Comment 501

1

REMARKS OF
THOMAS J. BASILE
COUNCILMAN-ELECT TOWN OF STONY POINT, NEW YORK
TO
DOE/ACE CHAMPLAIN HUDSON POWER EXPRESS HEARING
NOVEMBER 18, 2013

Good evening.

In my time at the EPA, the Defense Department and in private business I have had occasion to work with both the DOE and the Army Corps and I've always appreciated your professionalism – and I appreciate your presence here tonight.

The issue of increasing energy supply and providing for our state and nation's energy future has been long debated in government, among private sector interests and activists.

At a time when our nation is still struggling to create jobs and modernize its aging electrical infrastructure to meet higher demand, it is unfortunate that as a state and as a nation that we have taken the nonsensical position of attempting to accomplish both of those goals while throwing up roadblocks to generating additional domestic sources of energy.

The best way to create jobs in this town, in this state and in this country is to produce energy HERE – and in so doing NOT the undercut economic development potential of this region.

That being said, it is clear from cross border discussions that have been held over a number of years, that both the State of New York and the Obama Administration are in favor of increasing the flow of hydroelectric power from Canada into the United States and into New York state.

If the Federal Government is going to back this project – know that the Town of Stony Point will fight in the courts and in the court of public opinion to prevent this cable and the others that would likely follow it, from coming on shore here in our historic town. 501-01

501-01: Comment noted.

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If CHPE is to proceed it should be routed through the Hudson River bed where it is currently slated to run for hundreds of miles bypassing every other town on its way to New York City.

There is no conclusive or convincing evidence that the cable will adversely impact the river's ecosystem adjacent to HERE in Stony Point as opposed to anywhere else. 501-02

And were there some evidence – Let me tell you - I've always been of the option that the needs of PEOPLE be considered a higher purpose and priority that those of FISH.

This is not about NIMBYism. This is not about opposing progress and this is not political in any way. It's about the lives of the people of this Town and the economic future.

The residents of historic Stony Point would be dealt a grave injustice should CHPE be allowed to come on land here.

The cable is slated to come on land just north of the Stony Point Battlefield State Historic Site and Revolutionary War Cemetery and redirect back out into the river further south in Rockland.

Details about the route have been sketchy and according to documents provided no environmental impact testing has been done in the town. 501-03

I understand that the Administration purports to have a desire to increase the supply of clean energy to our state, particularly to New York City. However, the proposed project would clearly provide no public benefit to the people of Stony Point, while causing enormous, irreparable economic harm to our community. 501-04

Stony Point residents will be particularly hit hard due to what appears to be an arbitrary and fundamentally unfair route for the cable through our community.

According to the most recent route maps, the land-based route through Stony Point will require CHPE to pursue eminent domain or condemnation 501-05

501-02: The Haverstraw Bay alignment, under which the transmission line would have continued in the Hudson River through Haverstraw Bay rather than transition to land at Stony Point and continue to Clarkstown, was initially proposed by the Applicant in its 2010 amended Presidential permit application, but was not included in the Joint Proposal or in the NYSPSC Certificate issued for the proposed CHPE Project (see response to Comment 105-02). Therefore, this previously proposed component is not part of the proposed CHPE Project route as approved in the NYSPSC Certificate, and was not analyzed in the EIS. There could be impacts resulting from installation of the proposed CHPE Project outside of Haverstraw Bay, which the transmission line would bypass on land. Some of these non-significant impacts would include localized disruptions to river traffic, short-term decreased water quality, and sediment disturbance. There is also potential for non-significant effects on individual aquatic species, including federally listed and state-listed species, which could result from habitat degradation/loss and exposure to noise/vibration and hazardous materials.

501-03: According to the NYSPSC Certificate, the Applicant would develop more detailed route plans that take into account site-specific factors such as utility locations. DOE has relied on route mapping prepared in support of the NYSPSC Article VII process to prepare this EIS (see Section 2.3.1 of the EIS). DOE believes the maps and plans provided during the project development stage provide a suitable level of information to allow appropriate evaluation of the potential environmental impacts associated with the proposed CHPE Project.

501-04: The proposed CHPE Project would result in beneficial socioeconomic impacts, including short- and long-term job creation, electricity cost savings (see response to Comment 133-09), and increased tax receipts and revenue. Spending associated with construction (e.g., purchase of building materials, construction workers' wages, and purchases of goods and services) would temporarily increase tax receipts and retail revenues, and the Applicant would pay fees to New York State agencies and municipalities for use of public lands and taxes to local municipalities for the project facilities that are taxable as real property.

501-05: See response to Comment 105-04.

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proceedings against homeowners and other private and commercial entities in the town to accommodate a 50 foot Deviation Zone for the cable. 501-05

Further, the State's own Public Service Commission's findings of April, 2013 confirm that this project will not generate savings to New York's electricity consumers. They have concluded any savings from the project and its current routing plan would be realized by corporate interests, not ratepayers. 501-06

The number of jobs that would be created by this project has been hotly debated, continues to be questioned and is by no means settled considering CHPE's own reports that indicate any jobs would be highly specialized and therefore may be imported.

What is clear, is that the number of jobs created by this project IF ANY, would have the effect of killing, by my calculations, nearly 1000 local jobs particularly in the construction trades but also in engineering, retail and facility management. 501-07

The Town of Stony Point is currently advancing an economic development program and Sandy Recovery strategy that will revitalize our community, drive hundreds of millions of dollars in capital investment, and generate millions in tax revenue to help make this town sustainable and affordable for the future.

The program as- I view it -has its foundations in the creation of a thriving waterfront district on previously underutilized prime Hudson River waterfront property and the redevelopment of a major industrial site on the southern end of the town.

Let me be very clear – should CHPE be allowed to come on land, not only will dozens of residential properties be adversely impacted, and the property value of hundreds of homes decrease costing residents millions in personal wealth - both the aforementioned commercial projects and ancillary economic development derived from them may not be possible. 501-08

501-06: The goal of the proposed CHPE Project is to provide 1,000 megawatts (MW) of electricity to the New York City markets and to improve the stability of the electrical grid serving New York City. According to modeling conducted by the NYSDPS, ratepayer benefits would average approximately $405 million to $720 million per year.

501-07: As identified in Section 5.1.18 of the EIS, the proposed CHPE Project would call on specialized workers for direct and indirect jobs; however, most jobs would be direct, non-specialized, temporary jobs during the construction phase of the project, which is estimated to take approximately 4 years. The number of jobs needed for construction would vary based on the part of the transmission line being constructed, with the average number of direct jobs being 300 at a time. Direct construction jobs could peak at as much as 420 during some portions of construction. There would also be indirect jobs generated throughout New York as a result of the proposed CHPE project. The indirect jobs associated with this project would include persons providing vegetation maintenance services and utility contractors for potential emergency repairs. As many as five permanent jobs per segment (as many as 21 in the New York City Metropolitan Area Segment) would be created as a result of this project as well. These jobs would be primarily administrative in nature and would be required for the commercial operation of the transmission line. Because the total number of jobs that would be generated from this project is not expected to be significant, the existing workforces within the Lake Champlain, Hudson River, Overland and New York City Metropolitan Area Segments would be adequate to meet the demands.

501-08: The terrestrial portion of the transmission line would be underground and not visible along the perimeter of properties; therefore, its presence would not generally result in a negative impact on private property values. Easement payments to landowners would compensate landowners for any access or use restrictions placed on private properties and would offset any potential impacts on property values. The Applicant would also pay for any land restoration costs associated with construction and any emergency repairs that might be required. See Section 5.3.18 of the EIS for the discussion of property values within the terrestrial portion of the Hudson River Segment.

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The route and deviation zone will scar the landscape of this town through its most vital areas leaving a trail of human and economic wreckage in its wake. 501-09

In short, the economic impact on businesses, residents and the municipality will be enormous and clearly does not out way any public benefit from the cable coming on land in our historic town. 501-10

Significant State and Federal legal questions also remain, for instance, whether CSX Railroad can offer CHPE a facility right of way even though the land-based installation will require the use of eminent domain and whether condemnation is in this case is in keeping with state and federal case law on the subject. 501-11

Take this message back to General Bostick and Secretary Moniz – Do not underestimate the amount of opposition to this cable being brought on land in Stony Point and Rockland County.

You want your cross-border hydro power – put the cable in the river where it belongs. Do not underestimate our willingness or ability to fight this proposed route in the courts and in the court of public opinion.

It will not be difficult both here in New York and in Canada for this issue to become the poster child – and we have a lot of them lately – of the heavy hand of government advancing its goals at all costs without regard to the economic and personal damage done to its people.

Jobs will be lost. Personal wealth will be lost. Economic development will be stifled here and the damage will be irreparable. We will not permit this discrimination. We will not permit this injustice to be perpetrated on the people of this historic town. 501-12

Thank you.

501-09: Construction of the proposed CHPE Project within the Hudson River Segment would result in short-term impacts on visual and aesthetic resources from the presence of construction equipment and activities along the project route. As described in Section 2.4.3 of the EIS, the Applicant would use HDD techniques to avoid disrupting the surface features of the landscape, where necessary. For more information on the visual impacts of the proposed CHPE Project, see EIS Section 5.3.11.

501-10: See response to Comment 501-04.

501-11: Agreements between CSX and the Applicant are subject to any applicable Federal and state regulations. As discussed in EIS Section 5.2.1, the siting of the transmission line in the State of New York, including the possible use of eminent domain, is within the purview of the NYSPSC under Article VII of the New York State Public Service Law. The NYSPSC has authorized the Applicant the right to use eminent domain for this project, if required.

501-12: The proposed CHPE Project would result in beneficial socioeconomic impacts, including short- and long-term job creation, electricity cost savings, and increased tax receipts and revenue. Spending associated with construction (e.g., purchase of building materials, construction workers' wages, and purchases of goods and services) would temporarily increase tax receipts and revenue, and the Applicant would pay fees to New York State agencies and municipalities for use of public lands and taxes to local municipalities on the transmission system facilities that are taxable as real property. See response to Comment 501-07 for jobs created as a result of this project.

Comment 502

From: Legislator Ed Day [mailto:legislatorday@yahoo.com]
Sent: Saturday, December 14, 2013 12:16 PM
To: Mills, Brian; jun.yan@usace.army.mil
Subject: CHAMPLAIN POWER EXPRESS PROPOSED PROJECT - DEIS COMMENT PERIOD

Dear Mr. Mills:

With respect to the above subject, you are no doubt understanding of the enormous impact that this project will have on the North Rockland community and beyond. As witness to that are the volume of comments and information you have received to date, all of which offer genuine concern to this observation.

Key to ensuring a comprehensive and proper DEIS is that these concerns are heard and heeded. Many in the community have only recently learned of many of the details and it is imperative that they are part of the process.

To that end, I respectfully request you consider extending the public comment period by 180 days. I believe that is a reasonable request that maximizes that key issue I mention - that all the people and businesses affected by this project are a complete part of this process. It also will allow for the community to fully assess, analyze, and respond to the thousands of pages of documents that are submitted as part of the DEIS process. 502-01

Thank you for your consideration

Sincerely,

Ed

Edwin J. Day
Rockland County Legislature
Rockland County Executive-Elect
www.edday.us

Follow the latest happenings in Rockland County on Facebook:
www.facebook.com/edwin.j.day1 - **And ... make sure you "Like" us!**

502-01: See response to Comment 303-01.

Comment 503

TOWN OF HAVERSTRAW

ISIDRO CANCEL
JOHN J. GOULD
Councilmen

HOWARD T. PHILLIPS, JR.
Supervisor

VINCENT J. GAMBOLI
HECTOR L. SOTO
Councilmen

MICHAEL J. GAMBOLI
Director of Finance

WILLIAM M. STEIN
Town Attorney

January 13, 2014

Via Facsimile: (202) 586-8008
Email: Brian.Mills@hq.doe.gov & First Class Mail

Mr. Brian Mills, NEPA Document Manager
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

RE: CHPE EIS

Dear Mr. Mills:

On behalf of the Town of Haverstraw and its residents, I would like to express our deep concern for the proposed application of the Champlain Hudson Power Express Project (CHPE). I am sending this letter to reiterate our great displeasure and opposition to this proposal. We cannot understand the logic of going outside of the United States for power and believe that this proposal, if implemented, will set a terrible precedent. 503-01

The CHPE Project suggests that the United States cannot produce its own energy. Should we rely on a foreign country for our energy needs and also how reliable is this source? The potential detrimental consequences to the residents and land owners of the Town of Haverstraw and neighboring Town of Stony Point, including the application of eminent domain, are cause for great concern. 503-02

The North Rockland community has their own power capabilities at Bowline in Haverstraw as well as the site at Lovett in Stony Point. Why not upgrade Bowline and rebuild Lovett? This would keep power production local as well as putting many people back to work. It is greatly disappointing that our power sources might not be in our own country. 503-03

Sincerely,

HOWARD T. PHILLIPS, JR.
Supervisor

Cc: Senator William Larkin
Assemblyman Kenneth Zebrowski

ONE ROSMAN ROAD | GARNERVILLE, NEW YORK 10923 | (845) 429-2200 | (845) 429-4701 FAX | www.townofhaverstraw.org

503-01: Comment noted.

503-02: Production of energy within the United States is not within the scope of this EIS. The purpose of this EIS is to analyze impacts on New York State, and local municipalities, including the Towns of Haverstraw and Stony Point, as a result of the proposed CHPE Project.

503-03: The upgrading of existing utility lines and production of locally generated power for Rockland County is not within the scope of this EIS.

Comment 504

-----Original Message-----
From: Douglas Jobson [mailto:JobsonD@co.rockland.ny.us]
Sent: Wednesday, January 22, 2014 4:58 PM
To: Mills, Brian
Subject: CHPE Draft EIS" Comments/Public Notice NAN-2009-01089-EYA

CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

To: Brian Mills, Senior Planning Advisor
Department of Energy
Office of Electricity Deliverability and Energy Reliability

E-mail: Brian.Mills@hq.doe.gov

As the Rockland County Legislator representing District 1, which includes Stony Point, N.Y., I co-sponsored the attached Rockland County Resolution, dated June 19, 2012, opposing the Champlain Hudson Power Express, which soundly states Rockland County's opposition to this project. The resolution enumerates the numerous reasons why this proposed project is of particular concern to my constituents. The communities affected in North Rockland seek to have the opportunity to address their concerns at further public hearings and to obtain more information. 504-01

504-01: Comment noted.

I thank you in advance for giving this your most careful consideration.

Very truly yours,

DOUGLAS J. JOBSON
Rockland County Legislator, District 1

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Introduced by:
Hon. Jay Hood, Jr., Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Edwin J. Day, Sponsor
Hon. Ilan S. Schoenberger, Co-Sponsor
Hon. Aney Paul, Co-Sponsor
Hon. Frank Sparaco, Co-Sponsor
Hon. Philip Soskin, Co-Sponsor

Referral No. 1021
June 19, 2012

RESOLUTION NO. 314 OF 2012
OPPOSING THE PROPOSED CHAMPLAIN HUDSON POWER EXPRESS INC., TRANSMISSION LINE IN ROCKLAND COUNTY

HOOD, JR./CAREY, DAY, EARL, JOBSON, PAUL, SOSKIN, SPARACO, WIEDER: M.V.

WHEREAS, New York Public Service Commission recently held a hearing on the request to build a 1,000 megawatt Champlain Hudson Power Express transmission line, which line would come from upstate New York come out of the Hudson River in Stony Point, run underground along CSX rail right-of-way to West Haverstraw and then through Rockland Lake State Park before heading back to the Hudson, and

WHEREAS, the residents of Rockland county believe that the Public Hearing held to date on the proposal was not timely noticed to the people, nor was a complete study done of the potential impact of this line in the Hudson River and routed through Rockland County, as to the environment, and — 504-02

WHEREAS, additionally this project would produce an extreme ecological impact on the unique environment of the Hudson River and will negatively affect the current flora and fauna that are dependent on the Hudson River; and — 504-03

WHEREAS, the laying of submarine cables presents a number of environmental problems, including stirring up industrial chemicals resting on the bottom of the River and cause disturbance to the fish habitats and endangered species in the Hudson River; and — 504-04

WHEREAS, the Legislature calls upon the Governor of the State of New York to make certain that all affected communities have an opportunity to have public comment; and

WHEREAS, additional hearings with Rockland County should be conducted with more information on the project, and — 504-05

504-02: DOE followed accepted practices in notifying the public about the planned public hearings (see response to Comment 109-02). See response to Comment 703-07 for more information regarding notifications of public hearings.

Section 5.3 of the EIS provides a full analysis of the potential environmental impacts associated with installing and operating the proposed buried transmission line in the Hudson River and Rockland County.

504-03: Potential environmental impacts on aquatic and terrestrial habitats and species, including threatened and endangered species, are discussed in Sections 5.3.4, 5.3.5, 5.3.6, and 5.3.7 of the EIS.

504-04: Sections 5.3.3 and 5.3.15 of the EIS provide analyses of the potential impacts of disturbing contaminated sediments during installation activities, and Sections 5.3.4 and 5.3.5 of the EIS discusses the potential impacts of sediment disturbance on aquatic habitats and species, including threatened and endangered species.

504-05: DOE provided a 45-day public review period for the Draft EIS starting November 1, 2013, which was extended for an additional 30 days and ended on January 15, 2014. Verbal comments could be provided at any of four public hearings for the Draft EIS. Written comments could be submitted through the CHPE EIS Web site or via mail, email, or fax. DOE conducted four public hearings for the Draft EIS, including one in Stony Point, New York on November 18, 2013. Other public hearing locations were Queens, Albany, and Plattsburgh in New York.

WHEREAS, from an economic perspective, purchasing energy from outside New York State does not make sense for the state's as well as the national balance of payments; and

WHEREAS, allowing this power line to adversely affect the North Rockland Community and beyond is an insult to that community when there are presently two properties which are options to generate more electricity. The former Lovett and Bowline properties are available for developing new and more efficient plants which will create jobs and stabilize the local tax base which has been destroyed by the aging plants, and — 504-06

WHEREAS, it is incumbent upon the Public Service Commission to encourage local generation of electricity on available properties instead for allowing a disruptive and damaging power line to import Canadian electricity; and

WHEREAS, it is likewise incumbent upon the Public Service Commission to conduct another hearing so that sufficient notice to the public can be given and Rockland residents have an opportunity to voice their many concerns and absent more information from the Public Service Commission and further comment period, the County opposes this project; and — 504-07

WHEREAS, the Planning and Public Works Committee has met, considered and by a unanimous vote, approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby opposes the proposed Champlain Hudson Power Express Inc., transmission line in Rockland County and be it further

RESOLVED, that the Legislature calls upon the Governor of the State of New York to make certain that all affected communities have an opportunity to have public comment; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Joe Martens, Commissioner of the New York State Department of Environmental Conservation; William Janeway, Regional Director of the New York State Department of Environmental Conservation Region 3; Garry A. Brown, Chairman of the New York State Public Service Commission; Hon. David Carlucci, Member of the New York State Senate; Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Ann G. Rabbitt, Members of the New York State Assembly, and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

VOTE:
Ayes: 16
Abstain: 01 (Legislator Grant)

LG3131
RM/cs
JH 6/12/12cs; 6/20/12

504-06: Comment noted. The use of local electric power generating stations and development of in-state electric power generation is outside the scope of the EIS.

504-07: See first paragraph of the response to Comment 504-02 and response to Comment 504-05.

STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original resolution of such Legislature, duly adopted on the 19th day of June 2012 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.

I FURTHER CERTIFY that at the time said resolution was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 20th day of June 2012.

Date sent to the County Executive:
June 20, 2012

Laurence O. Toole, Clerk
Rockland County Legislature

Certified or Approved
C. Scott Vanderhoef, County Executive
County of Rockland

(Date)

RESOLUTION NO. 314 OF 2012

Comment 601

From: O'Brien, Wesley [mailto:WOBrien@cityhall.nyc.gov]
Sent: Wednesday, December 18, 2013 1:40 PM
To: Mills, Brian
Subject: Champlain Hudson Power Express - DEIS Comments

Mr. Mills,
Please see the attached comment letter, which I am submitting on behalf of the City of New York.

Thank you,

WESLEY O'BRIEN | General Counsel / Interim Director

Mayor's Office of
Environmental Coordination
100 Gold Street – 2nd Floor, New York, NY 10038
Main: 212.788.9956 | Direct: 212.788.2932
Email: wobrien@cityhall.nyc.gov
Web: www.nyc.gov/oec

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

MAYOR'S OFFICE OF OPERATIONS
OFFICE OF ENVIRONMENTAL COORDINATION
WESLEY O'BRIEN, GENERAL COUNSEL & INTERIM DIRECTOR

December 18, 2013

Brian Mills
Senior Planning Advisor
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

RE: Comments on Champlain Hudson Power Express DEIS

Dear Mr. Mills:

The City of New York has reviewed the DEIS for the Champlain Hudson Power Express ("CHPE") and would like to thank you for this opportunity to provide comments.

The CHPE transmission project is a development project that as proposed would bring 1,000 megawatts of renewable wind and hydropower from the Canadian Province of Quebec directly into New York City using submarine and subterranean high-voltage direct current lines.

Following a comprehensive review, the New York State Public Service Commission ("PSC") on April 18, 2013 issued a Certificate of Environmental Compatibility and Public Need for CHPE pursuant to Public Service Law Article VII, thereby authorizing construction and operation of the CHPE line in New York State. The City of New York was a party to the Article VII proceeding, and fully supported the action of the Commission.

CHPE advances a number of City and State energy policy goals

The operation of the proposed CHPE would advance major energy and environmental policies of the City of New York. The City policies and objectives advanced by the Facility also are consistent with major State policies and objectives. 601-01

The City has developed an ambitious slate of energy policies that is set forth in its PlaNYC 2030: A Greener, Greater New York ("PlaNYC"). PlaNYC is a policy blueprint intended to synthesize the economic and population growth in the City with broad, multi-faceted efforts to protect and enhance the City's environment. Programs implemented under PlaNYC are intended to reduce

601-01: Comment noted.

energy consumption throughout the City, achieve the cleanest air quality of any major city in the United States, and reduce municipal greenhouse gas emissions by 30% by 2 017 (i.e., "30 by 17") and Citywide greenhouse gas emissions by 30% by 2030.

With respect to renewable energy, PlaNYC set forth a plan based, in part, on "making our energy supply cleaner, more affordable, and more reliable." PlaNYC also recognizes the value and importance of public health benefits associated with reduced emissions. The City has a compelling interest in implementing PlaNYC in order to ensure that its residents and businesses realize the economic, environmental and health benefits associated with an increased reliance on renewable energy.

To that end, PlaNYC includes a goal of increasing the City's clean energy supply by 2,000 MW by 2015. Currently, theamount of electricity that may be imported to the City is limited by congested north-south transmission lines in New York State. One strategy adopted to achieve the clean energy goal is to increase the amount of renewable energy that can be imported into the City.

The City's general support for CHPE is consistent with this strategy, and with the overarching City policy goals the strategy intends to promote. As noted, it is anticipated that the proposed transmission line would deliver up to 1,000 MW of renewable energy, thereby representing a unique opportunity to increase dramatically the amount of clean energy available in-City via a project that will be developed on a merchant basis and will not burden electric delivery ratepayers. 601-02

601-02: Comment noted.

The City is not aware of any other large-scale renewable energy project that may be constructed and operated in the near term to benefit an area of the State that has been historically underserved by renewable power projects. Currently, only a handful of small-scale solar photovoltaic projects are located downstate. CHEP would thus support important City and State policies through a greatly increased reliance on electricity generated by large-scale renewable resources. 601-03

601-03: Comment noted.

New York State energy policy also promotes increased reliance on renewable energy as one means of mitigating the public health and environmental impacts associated with electricity generated from the combustion of fossil fuels. One of the five policy objectives set forth in the most recent State Energy Plan is to "[r]educe health and environmental risks associated with the production and use of energy across all sectors" based, in part, on a recognition that fossil fuel combustion emits chemicals that are associated with a range of adverse health effects and that also contribute to acid rain and climate change. The 2009 State Energy Plan noted that increasing the amount of renewable energy sold at retail in New York State to 30% by 2015 was a primary component of the "45 x 15" goal established by former Governor David Paterson.

Waterfront Revitalization Program

The Department of State concluded the Waterfront Revitalization Program (WRP) consistency review in 2011, which included consistency with the New York City WRP. Therefore, no additional WRP review is required at this time. However, the New York City Department of City Planning (DCP) requests that your consideration of the following with respect to the FEIS: 601-04

1) The response to the WRP Policy 2.1 incorrectly states that the project is not located in a Significant Maritime and Industrial Area. In fact, the portion of the transmission cable

601-04: Comment noted. Appendix F.1 of the Draft EIS (i.e., the Applicant's New York City Waterfront Revitalization Program Consistency Assessment Form and Coastal Zone Consistency Assessment Supplemental Information submitted as part of the CWA Section 404 Permit Application) incorrectly stated that the portion of the transmission line that travels along the Bronx Kill/New York State Department of Transportation (NYSDOT) rail yards is not a Significant Maritime and Industrial Area (SMIA). However, this area is correctly identified as an SMIA in Section 3.4.1 of the Draft EIS. The proposed CHPE Project would be consistent with the New York City Waterfront Revitalization Program (WRP).

that travels along the Bronx Kill/NYSDOT rail yards is an SMIA. As the design details are developed for this segment of the transmission cable, particular sensitivity should be given to ensure that the actions do not inhibit the efficient operation of the SMIA as an industrial/maritime area. 601-04

2) The response to WRP Policy 8 states that there will be no effect on public access to or along the city's coastal waters. It should also be noted that the City is actively involved in creating a new pedestrian and bike connection between the South Bronx and Randall's Island across the Bronx Kill, which will provide a critical link in the South Bronx Greenway and allow South Bronx residents to easily access Randall's Island's parks. For more information about the project, please see NYCEDC's website. As design details are developed for this terrestrial segment of the transmission cable, particular attention should be paid to maintaining public access along this portion of the waterfront, including efforts to ensure kayak and canoe navigability along the Bronx Kill and beneath the Hells Gate Bridge. The applicant should coordinate with the NYCEDC. Likewise, the portion in North Queens around the Poletti Power Plant, the Luyster Creek Converter Station, and the Rainey Interconnection should consider the planning efforts underway for the Queens East River and North Shore Greenway and street end public access to Luyster Creek at 19th Ave (see Vision 2020: NYC Comprehensive Waterfront Plan, Reach 7 and 11). 601-05 601-06

3) In areas where the transmission cable transitions from water to land or vice versa, designs should be carefully developed to protect and restore wetlands and ecological communities, which may be impacted by Horizontal Directional Drilling. Particular attention should be paid to the design of shorelines that may need to be reconstructed as a result of this work and the ecological enhancement opportunities at those locations. Based on the materials provided, this will occur at MP 330, just north of the Willis Avenue Bridge, at MP 331 along the Bronx Kill, and at MP332 at the Poletti Power Plant facility in Astoria, Queens. 601-07

4) It is not clear whether an analysis been conducted to determine the likely effect of sea level rise and associated coastal flood risk on the proposed project. All facilities should be designed using the latest FEMA flood hazard data and should consider the impacts of climate change, using the projections from the New York City Panel on Climate Change. 601-08

5) Section 6.1.1.5 (page 6-6) of the FEIS refers to the Astoria Rezoning Plan. This plan was approved in May 2010. See DCP's website. 601-09

Again, thank you for the opportunity to comment on the DEIS. If you require any additional information, please do not hesitate to contact me.

Sincerely,

Wesley O'Brien
General Counsel & Interim Director

601-05: During underwater cable installation, there would be associated increased vessel activity within the Harlem and East rivers. The immediate area around active construction would be temporarily unavailable for recreational uses. However, access to some recreational resources would be maintained during the days that construction activities would be in the vicinity, such as the boathouse at Sherman Creek Park. For the terrestrial portion of the transmission line, it would be buried underground and within city streets between the Astoria and Rainey substations. During terrestrial installation, equipment used for removal of pavements, trench excavation, and cable installation could result in a temporary reduction in the number of traffic lanes available along local roadways accessing recreational facilities along the transmission line route. Terrestrial construction activities could be carried out in the tourism and recreation off-season winter months, which would avoid or minimize potential impacts. See Section 5.4.13 of the EIS for more information.

601-06: The EIS discusses potential impacts on the Queens East River & North Shore Greenway Master Plan in Section 6.1.2.1 and reports that the proposed CHPE Project is consistent with the plan. The CHPE transmission line would be located on ConEd property or buried under city streets in Queens, and, therefore, would not be anticipated to have an impact on the Queens East River & North Shore Greenway Master Plan.

601-07: As routed, the CHPE transmission line would not cross any wetlands in the New York City Metropolitan Area Segment. There are NYSDEC tidal wetlands and adjacent areas associated with the Harlem and East rivers that are present within the ROI; however, no impacts on NYSDEC tidal wetlands would be anticipated to occur because the transmission line would be installed within the riverbeds or on land where it would not cross wetlands (see Section 5.4.8 of the EIS). In areas where the transmission line transitions from water to land or vice versa, restoration of the area would be completed after backfilling for the cable has been completed. Appropriate BMPs would also be

implemented, where necessary (see Section 5.4.3 of the EIS).

601-08: As discussed in Sections 5.3.3 and 5.5.3 of the EIS and similar sections, the proposed CHPE Project transmission line and cooling stations would all be designed to withstand any flooding events that occur within a Federal Emergency Management Agency (FEMA) 100-year floodplain. The New York City Metropolitan Area Segment would include the cables being buried underground (including in the Harlem and East rivers). The cooling station located at MP 331 in the Bronx would be constructed within a 100-year floodplain. This cooling station and the HVDC Converter Station and associated facilities would be designed to avoid flood damage by raising the first floor above the base flood elevation. The Final EIS includes a Floodplain Statement of Findings as an appendix (Appendix S) that reflects this analysis. Data from the Intergovernmental Panel on Climate Change (IPCC) and New York State are used to analyze the impacts of this project on climate change.

601-09: Comment noted.

Comment 602

From: kevinpmaher@verizon.net [mailto:kevinpmaher@verizon.net]
Sent: Tuesday, January 14, 2014 3:37 PM
To: Mills, Brian
Cc: sfilgueras@optonline.net
Subject: Champlain Hudson Power Express
Importance: High

Dear Mr. Mills:

As both the Town Engineer and resident of the Town of Stony Point, I must strenuously object to the issuance of any permits for this project as it is currently configured by Transmission Developers Inc.. 602-01

Their "Project" is a callous invasion of the Town of Stony Point and shows no respect for the history of the area and the significance that it played during the Revolutionary War.

I know that it had originally been backed by Governor Cuomo as a step in replacing Indian Point as a power source for New York City, but I believe that the hue and cry over the closed door deals arranged in Albany (including the deal made with the environmental groups) have angered many in Rockland County. For Don Jessome to state that they would just "shoot a bullet" under the Waldron Cemetery (many Revolutionary and War of 1812 heroes are buried there) to install the power cables as a part of the HDD method is an affront to everything that this country stands for. 602-02

And why should we be promoting energy from Canada? What's wrong with putting our own people to work building better and more efficient power plants? Isn't that what Governor Cuomo keeps talking about (building back better and stronger)?? There is also a growing doubt that the Canadian Power company will not be able to supply "Green Energy" (wind, hydroelectric, solar, etc.) in a sufficient quantity (or at all) which would mean that power generated by coal and oil-fired plants in Canada will be flowing done the line. So much for lowering "Greenhouse Gases". 602-03

The attached copy of the resolution from the Rockland County Legislature should be a clear enough signal that we do not want this line anywhere in Rockland County.

Therefore, I request that this project be given the highest degree of scrutiny to be sure that it is both economically and environmentally feasible and that it will not have any adverse impacts to the area and the citizens of Rockland County.

Our National Energy Policy should be focused on energy independence first, then on "environmentally friendly" generation secondly.

Respectfully submitted,

Kevin P. Maher, P.E., M.ASCE
Town Engineer (and resident)
Town of Stony Point, Rockland County, NY

602-01: Comment noted.

602-02: See response to Comment 121-03. Also see Section 5.3.10 of the EIS for analysis of potential impacts on historic resources.

602-03: The primary goal of the proposed CHPE Project is to provide electrical energy to the New York City metropolitan area market. The proposed CHPE Project would result in lower wholesale electricity prices, reductions in emissions, greater energy supply diversity, and increased energy supply capability. Power generated in Canada would be primarily hydroelectric and wind power. The use of local electric power generating stations and development of in-state electric power generation is not within the scope of this EIS.

10 C 1

Introduced by:
Hon. Jay Hood, Jr., Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Edwin J. Day, Sponsor
Hon. Ilan S. Schoenberger, Co-Sponsor
Hon. Aney Paul, Co-Sponsor
Hon. Frank Sparaco, Co-Sponsor
Hon. Philip Soskin, Co-Sponsor

Referral No. 1021
June 19, 2012

RESOLUTION NO. 314 OF 2012
OPPOSING THE PROPOSED CHAMPLAIN HUDSON POWER EXPRESS INC., TRANSMISSION LINE IN ROCKLAND COUNTY

HOOD, JR./CAREY, DAY, EARL, JOBSON, PAUL, SOSKIN, SPARACO, WIEDER: M.V.

WHEREAS, New York Public Service Commission recently held a hearing on the request to build a 1,000 megawatt Champlain Hudson Power Express transmission line, which line would come from upstate New York come out of the Hudson River in Stony Point, run underground along CSX rail right-of-way to West Haverstraw and then through Rockland Lake State Park before heading back to the Hudson, and

WHEREAS, the residents of Rockland county believe that the Public Hearing held to date on the proposal was not timely noticed to the people, nor was a complete study done of the potential impact of this line in the Hudson River and routed through Rockland County, as to the environment, and — 602-04

602-04: See response to 504-02.

WHEREAS, additionally this project would produce an extreme ecological impact on the unique environment of the Hudson River and will negatively affect the current flora and fauna that are dependent on the Hudson River; and — 602-05

602-05: See response to Comment 504-03.

WHEREAS, the laying of submarine cables presents a number of environmental problems, including stirring up industrial chemicals resting on the bottom of the River and cause disturbance to the fish habitats and endangered species in the Hudson River; and — 602-06

602-06: See response to Comment 504-04.

WHEREAS, the Legislature calls upon the Governor of the State of New York to make certain that all affected communities have an opportunity to have public comment; and

WHEREAS, additional hearings with Rockland County should be conducted with more information on the project, and — 602-07

602-07: See response to Comment 504-05.

WHEREAS, from an economic perspective, purchasing energy from outside New York State does not make sense for the state's as well as the national balance of payments; and

WHEREAS, allowing this power line to adversely affect the North Rockland Community and beyond is an insult to that community when there are presently two properties which are options to generate more electricity. The former Lovett and Bowline properties are available for developing new and more efficient plants which will create jobs and stabilize the local tax base which has been destroyed by the aging plants, and

WHEREAS, it is incumbent upon the Public Service Commission to encourage local generation of electricity on available properties instead for allowing a disruptive and damaging power line to import Canadian electricity; and

602-08

WHEREAS, it is likewise incumbent upon the Public Service Commission to conduct another hearing so that sufficient notice to the public can be given and Rockland residents have an opportunity to voice their many concerns and absent more information from the Public Service Commission and further comment period, the County opposes this project; and

602-09

WHEREAS, the Planning and Public Works Committee has met, considered and by a unanimous vote, approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby opposes the proposed Champlain Hudson Power Express Inc., transmission line in Rockland County and be it further

RESOLVED, that the Legislature calls upon the Governor of the State of New York to make certain that all affected communities have an opportunity to have public comment; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Joe Martens, Commissioner of the New York State Department of Environmental Conservation; William Janeway, Regional Director of the New York State Department of Environmental Conservation Region 3; Garry A. Brown, Chairman of the New York State Public Service Commission; Hon. David Carlucci, Member of the New York State Senate; Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Ann G. Rabbitt, Members of the New York State Assembly, and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

VOTE:
Ayes: 16
Abstain: 01 (Legislator Grant)

LG3131
RM/cs
JH 6/12/12cs; 6/20/12

602-08: See response to Comment 504-06.

602-09: See response to Comment 504-07.

STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original resolution of such Legislature, duly adopted on the 19th day of June 2012 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.

I FURTHER CERTIFY that at the time said resolution was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 20th day of June 2012.

Date sent to the County Executive:
June 20, 2012

Laurence O. Toole, Clerk
Rockland County Legislature

Certified or Approved
C. Scott Vanderhoef, County Executive
County of Rockland

(Date)

RESOLUTION NO. 314 OF 2012

Comment 701

THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK/NEW JERSEY
Tug & Barge Committee

Tug & Barge Committee Port of NY-NJ

NAN-2009-01089-EYA

October 23, 2013

Dear:

I am writing on behalf of the Tug & Barge Committee (TBC) of the Maritime Association of the Port of New York and New Jersey to strongly request that the Champlain Hudson Power Express (CHPE) cable route application as proposed in the Hudson River be denied. 701-01

"the Applicants recognize that there is significant waterborne commerce on the Hudson River, with the majority of the cargo originating from the Ports of New York and New Jersey."[1]

The Maritime Industry feel that vessel safety has been dismissed in this process and that safe navigation will be compromised. A vast and powerful river, the Hudson has long been a vital piece in our nations Marine Transportation System (MTS) serving New York State and our Nation connecting cities/ports world-wide with numerous ports along the Hudson including the State Capital Port Albany 701-02

STATE POLICY 3

"T h e installation and operation of the transmission cables may affect navigation or future dredging activities which may, in turn, affect the operation of port facilities in New York City and Albany. However, the applicant has consulted with appropriate port facility operators and agreed to site the project in a manner that would not hamper or interfere with port activities."[2]

[1] HDR Letter October 18, 2010, Sean Murphy
[2] NYSDOS Letter June 8, 2011, Signed by Daniel E. Shapiro, First Deputy Secretary of State

"It is the mission of the Tug & Barge Committee to promote and represent the interests of tug boat operators and harbor carriers in local issues relevant to the tug and barge industry in the New York /New Jersey Port area and approaches"

701-01: Comment noted.

701-02: Potential impacts of the proposed CHPE Project on navigation were addressed in the Draft EIS in the Chapter 5 subsection addressing Transportation and Traffic. Specifically, the analysis of vessel safety and navigation on the Hudson River is in Section 5.3.2 of the EIS. The USACE and USCG are cooperating agencies in the preparation of the EIS, and their contributions to the review of the proposed project help ensure vessel safety.

The mission of Harbor Safety, Navigation and Operations Committee of the Port of New York and New Jersey is: "To *develop non-regulatory solutions to operational challenges in the Port of New York and New Jersey.*" The Energy Sub-Committee has worked closely with numerous Alternative/Conventional Energy proposals to develop workable sensible proposals and met with the CHPE consultants on March 16, 2011 to discuss cable routing. At that meeting the Energy Sub-Committee raised several concerns regarding the proposed cable route and installation. The consultant informed the Energy Sub-Committee that they were negotiating with the New York State Department of Conservation (DEC) to route the cable outside the channel in shallow water and that the route would not be the same as presented; however, the recently approved New York State DEC proposed CHPE route is very similar though not identical to the first proposal and therefore the Applicant has met but NOT consulted with the appropriate port facility operators. 701-03

STATE POLICY 2

"Should the bi-pole occupy any federally maintained navigation channels it will be buried at least 15 feet below the authorized depth in a single trench within those channels. In this matter, the siting of the cable at these depths will minimize conflicts with water based navigation by substantially avoiding anchor strikes and potential future navigational improvements."[3]

Anchors vary is size and use but regardless have long been a staple of the shipping industry performing many functions for vessels including anchoring, docking, and emergencies and while docks and anchorages are predictable, emergencies are not. The Hudson River varies in channel width and depths is primarily rock and can narrow to 400 feet in width. The primary tool to mitigate non-controllable factors is the anchor. Non-controllable external factors include diminishing visibility (fog, snow, and thunderstorms), Ice, or other vessels or internal casualty factors (loss of engines or steering). As non-controllable factors can occur anytime and anywhere in any navigable channel, anchoring must be a primary factor in considering proposals in navigational waters that may impact anchoring. 701-04

Risk of fouling an anchor on a cable has many impacts to include but not limited to loss of assets, supply chain schedules, asset/human casualties, and/or environmental damage. Vessels transiting the River trade in various liquid products including Albany exports of crude oil and ethanol.

[3] IBID

"It is the mission of the Tug & Barge Committee to promote and represent the interests of tug boat operators and harbor carriers in local issues relevant to the tug and barge industry in the New York/New Jersey Port area and approaches"

701-03: The transmission line route alignment evaluated in the EIS has been developed by the Applicant in consultation with various stakeholders, including the USACE, NYSPSC, NYSDEC, and the New York State Coastal Zone Management Program. If specific issues with port facilities are subsequently identified, they would be addressed through the NYSPSC.

701-04: Potential impacts from vessel-anchoring activities are presented in Section 5.3.2 of EIS and reflect those concerns raised in the comment.

"Another condition requires that the applicant verify the transmission cables' burial depth on a periodic basis so that they do not become a hazard to navigation or marine resources."[4]

The Energy Sub Committee and the Tug and Barge Committee have serious concerns with the proposed cable routing and burial depths for this project and strongly object to burial depths as proposed. Burial depths should be analyzed, verified, and certified by the applicant and MUST be for ALL navigational channels maintained or not maintained. 701-05

New York is our home. Over 31,000 New York City residents earn their livelihood in the maritime industry. Because we recognize the importance of balancing the working waterfront activities we support environmental stewardship balanced with economic growth and welcome the opportunity to partner with DEC, FERC, and USACE to create a sensible to approach to cable routes.

I wish to thank you in advance for your considerations to our needs and if you have any questions or concerns please feel fee to email me at safemariner@me.com

Sincerely,

CAPT Eric Johansson, Executive Director
Tug and Barge Committee Port of New York/New Jersey

[4] IBID

"It is the mission of the Tug & Barge Committee to promote and represent the interests of tug boat operators and harbor carriers in local issues relevant to the tug and barge industry in the New York/New Jersey Port area and approaches"

701-05: In accordance with Condition 161 of the Certificate of Environmental Compatibility and Public Need issued by the NYSPSC, the Applicant would conduct an immediate post-installation survey of the submerged cables to determine its actual location and burial depth to confirm that the required burial depths have been met and conduct associated follow-on surveys every 5 years. If the required burial depths are not achieved, a remedial plan for achieving the required burial depths must be submitted.

Comment 702

sreich@local754.com has submitted a comment from the CHPExpressEIS website.

First Name: Stephen
Last Name: Reich
Address1: 215 Old Nyack Turnpike
Address2:
City: Chestnut Ridge
State: NY
Zip: 13320
Email: sreich@local754.com

Comments:
I represent over 300 men and women from Laborers' Local 754 in Rockland County. We are in support of the project for the jobs it will create for our members and the tax revenue it will add to County coffers. We also understand the need for additional power sources in times of high usage. 702-01

702-01: Comment noted.

Comment 703

– Queens, NY

International Brotherhood of

BOILERMAKERS • IRON SHIP BUILDERS

BLACKSMITHS • FORGERS & HELPERS

STEVEN LUDWIGSON
Business Manager
Secretary-Treasurer

TOM RYAN
Assistant Business Manager
President

BOILERMAKERS LOCAL LODGE No. 5

GREG PETERSON
Assistant Business Manager
Zone 175

KEVIN O'BRIEN
Vice President

MATT LOPRESTI
Assistant Business Manager
Zone 197

November 18, 2013
East Elmhurst, New York

Distinguished members from the United States Department of Energy, thank you for providing this opportunity to the people of New York to weigh in on some of their concerns with the Champlain Hudson Power Express. I am here today as the President of Boilermakers Local 5, representing over 500 members from Long Island and New York City, from the Southern Tier and throughout the North Country. But, I am also here as a proud New Yorker and father of four children with further reservations about this proposed project and the negative environmental impact it would have for the next generation.

703-01

The developers of this line that would snake its way through New York and its great water ways have touted the signatures of some Representatives of the New York delegation in support of the line. Yet, when my colleagues and I personally met with the vast majority of those Congressmen and Congresswomen last Spring, we were met with blank stares and disbelieving shakes of their heads. Some had no recollection of signing; others seemed not overly committed to the project. But, all of them had second thoughts and promised to look into the matter further and revisit their commitment. For that we are grateful to them and their staffs.

ZONE 5 • 24 VAN SICLEN AVE., FLORAL PARK, NY 11001 • 516-326-2500 • FAX: 516-326-3435
ZONE 175 • 28 WEST BRIDGE ST., OSWEGO, NY 13126 • 315-343-3821 • FAX: 315-343-3563
ZONE 197 • 75 S. DOVE ST., ALBANY, NY 12202 • 518-438-0718 • FAX: 518-459-2720

703-01: Comment noted.

BOILERMAKERS LOCAL LODGE No. 5

The CHPE will be a jobs killer for the greater NYC area, outsourcing skilled labor positions to a foreign country in exchange for a product we can and should be making right here in New York. Our economy, environment, and our quality of life now hang on a delicate thread. Do we as a nation, give our environment over into the hands of another country, albeit a friendly one? I, my family, and the tens of thousands of vital Building and Construction Trades members in this great metropolis, emphatically respond, NO! 703-02

703-02: See response to Comment 101-02.

Just in the last couple of years our great city and state has had a tragic loss to life, infrastructure, and the environment due to severe storms. As catastrophic a loss as they were, could we imagine if we were held hostage by power travelling hundreds of miles on towers over land and within our rivers and lakes. We need to rely on power generation produced in our backyards to survive whatever storms we must weather. 703-03

703-03: See response to Comment 101-03.

I have swam in the Hudson River, and lived to tell about. I wish my children and my children's' children the same. But, this Canadian power line is nothing more than a large extension cord, with a single customer, whose only vested interest in the delicate environment of the Great State of New York is one of commercialism and greed. 703-04

703-04: Comment noted.

BOILERMAKERS LOCAL LODGE No. 5

Just in my short life span, I have seen where dependence on foreign energy and foreign natural resources has led this great nation of ours: embargo, rationing, and war. We should not depend on others for our vital needs, but ourselves and our fellow New Yorkers. Americans should not sacrifice their environment, their energy independence, or their children's future, for the promise of miniscule savings on an electrical bill.

703-04

Thank you again for this opportunity and we trust the United States Department of Energy and ultimately the Office of the President of the United States hear the cry of its citizens, "SAY *NO* to the Champlain Hudson Power Express!"

Sincerely,

Thomas F. Ryan

Thomas F. Ryan

President

Mr. Brian Mills
Department of Energy
Office of Electricity Delivery&Energy Reliability (OE20)
U. S. Department of Energy
1000 Independence Ave, SW
Washington, DC 20585
Phone: 202-586-8267
Fax: 202-586-8008

Mr. Jun Yan,
USACE Project Manager, Eastern Section
Regulatory Branch New York District
U.S. Army Corps of Engineers
26 Federal Plaza, Room 1937
New York, NY 10278
212-000-0000
212-264-4260

Comments can be submitted via email to: Brian.Mills@hq.doe.gov jun.yan@usace.army.mil

Deadline for Comments: **December 16, 2013**

Request to the DOE and USACE for extension of comment period, ***"Draft EIS Comments"***

Dear Mr. Mills,

This letter serves to reiterate the multiple requests at the Public Hearing on Nov 18, 2013, in the Town of Stony Point for a reasonable extension of 180 days for the comment period. In NYS the Developers for proposed power plants are required to provide intervener funds for the impacted communities. In this case there are no intervener funds from the developer which would allow the residents, business owners and other stake holders to hire experts to review and respond adequately to the "Draft EIS Comments" to both the DOE and USACE. 703-05

The venue for the Hearings in both Stony Point and Queens were not the most appropriate. The Hearing in Queens was not within the impacted community. The Hearing in Stony Point would have been better held in the local Middle School, more seating and better parking, residents who came and could not get through the "orange shirts" in the hallway would not have left. 703-06

Public Notice in Rockland County was not adequate. For example, when the Stony Point Center, was called they could not confirm the Hearing on Monday Nov 18, 2013, was for the Champlain Hudson Power Express, DOE Hearing. Apparently the Hearing Notice distribution within Rockland County was inconsistent; some received a simple sheet of paper with a sticker, easily lost in the general bulk mail. 703-07

There was no outreach and translated information for the Hispanic population. 703-08

Stony Point was promised by CHPE that they would not go through the Waldron Revolutionary and War of 1812 Cemetery, the maps in the DEIS show differently. There are many contradictory installations issues, that require due diligence. There is also the Army Corps of Engineers filing, where do we find that? The instructions did not specify that in fact there are two responses required, one for the DOE and one for the USACE. The documents that were supplied at the meeting did not constitute the entire filing, only a certain segment of the DOE DEIS? Are the USACE documents different than the DOE documents? 703-09 703-10

I am respectively requesting the extension based on the above reasons.

Resident: Thomas F. Ryan
Address: 2827 Hedge St
Yorktown, NY 10598

Phone: 914-355-0274
E-mail: tryanba@aol.com

703-05: See response to Comment 303-01. The availability of intervener funds from the developer is outside the scope of this EIS.

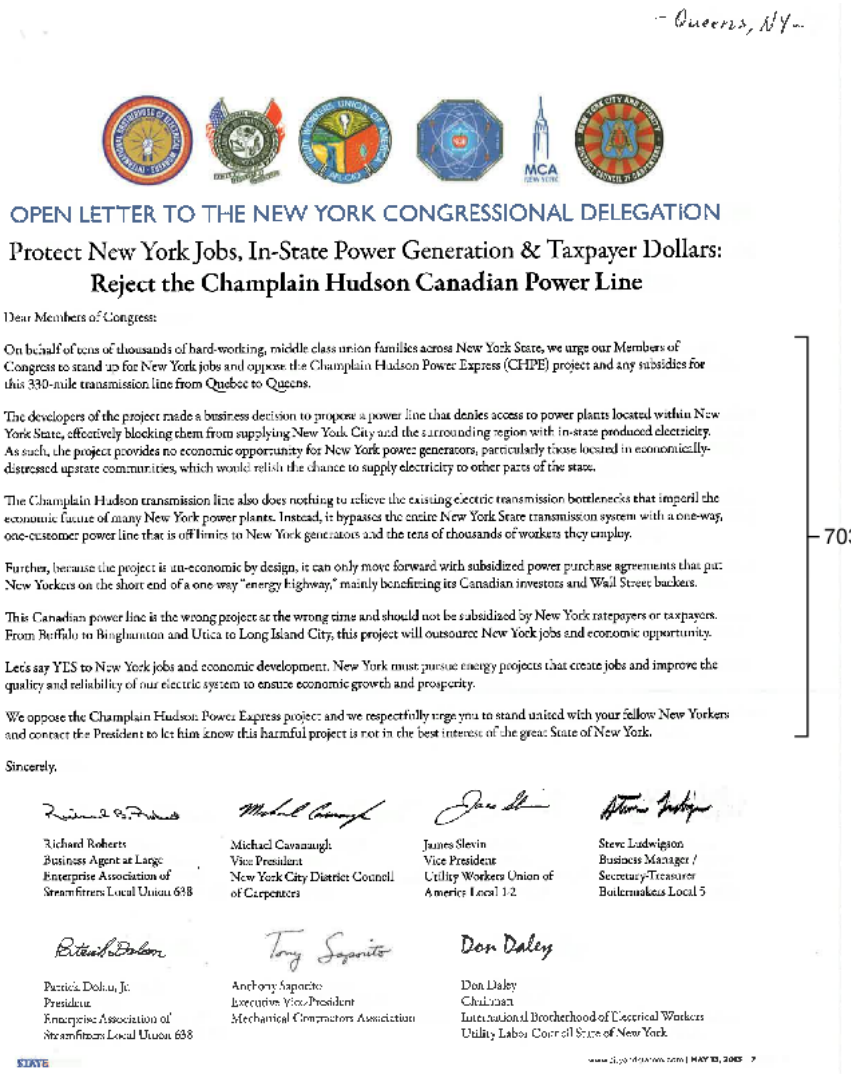
703-06: Locations selected for the public hearings were based on a number of criteria including proximity to the proposed project route, number of people able to be accommodated at each location, accessibility to the public, and coordination support available from the staff of the facility chosen. The hearing location in Queens, which was just over 1 mile away from the proposed transmission line corridor, was chosen because of its ability to accommodate greater than 100 people and its greater accessibility to public transportation than other possible hearing locations in New York City. Other potential locations directly in the impacted community could not accommodate this attendance level. The hearing at Stony Point Center was held there because of the Stony Point Center's location in the Town of Stony Point, available staff from the facility to guarantee access and support setup of the room, its proximity to the proposed transmission line corridor, and its ability to host up to 250 meeting attendees. To reduce clustering of attendees near the room entrance, all attendees were offered the opportunity to enter the room and occupy open seats. Approximately 215 people were present at the meeting. The Stony Point Center had adequate parking for hearing attendees and is a well-known location within the town.

703-07: Public notification of the public hearing at Stony Point Center was provided through various methods including notice on the CHPE EIS Web site; a *Federal Register* notice published on November 11, 2013; USACE public notices posted in October 2013; and notices printed in local Rockland County newspapers (*Rockland County Times* on November 7, 2013; the *Journal News* on November 4, 2013; and the *Times Record* on November 4, 2013). More than 400 printed copies of the Draft EIS, CD copies of the Draft EIS, or letters announcing the availability of the Draft EIS were mailed out to people who signed up during the EIS scoping period in 2010 or were added to the DOE coordination list through a variety of other avenues. Appendix P of the Final EIS identifies all the notifications associated with the public hearings for the Draft EIS that occurred.

703-08: See response to Comment 109-03.

703-09: Waldron Cemetery would be surveyed for cultural resources, during which the exact boundaries of the cemetery would be determined and any resources in the Area of Potential Effects would be evaluated for NRHP eligibility. Ground-disturbing activities would be avoided in the vicinity of the cemetery to the extent practicable. If these activities are unavoidable, appropriate mitigation would be implemented in accordance with the CRMP being developed for the CHPE Project in coordination with the New York SHPO. The CRMP would identify measures to address adverse effects on historic properties. HDD technology would be used, where appropriate, to drill under potential cultural resources so they would not be disturbed.

703-10: The CHPE EIS was developed cooperatively among multiple Federal and state agencies to address the potential impacts of issuing the Presidential permit for the proposed CHPE Project. Two of the Federal agencies involved in the preparation of the EIS are the DOE, the lead agency, and the USACE, a cooperating agency. The DOE is responsible for reviewing the Presidential permit application for the proposed CHPE Project and determining whether or not to grant the Presidential Permit. The USACE is responsible for maintaining and protecting waterways and wetlands of the United States, and, as such, reviewing the Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the CWA permit applications submitted by the Applicant for the proposed CHPE Project. The USACE participated in hosting the public hearings for the Draft EIS to gather information and receive public comments to assist in their review of the Applicant's Section 10 and Section 404 permit applications. For comments relating to any waterway impacts or wetlands impacts, commenters have been and will continue to be encouraged to submit comments to the USACE while any comments on the EIS itself should be submitted to DOE. At the Draft EIS hearing in Stony Point, a posterboard was displayed that illustrated the route alignment in the vicinity of Stony Point. This posterboard illustrated the terrestrial portion of the route where it bypasses Haverstraw Bay. Other posterboards (divided into segments for ease of presentation) showed the entire proposed transmission line corridor through New York State.



- Queens, NY -

OPEN LETTER TO THE NEW YORK CONGRESSIONAL DELEGATION

Protect New York Jobs, In-State Power Generation & Taxpayer Dollars: Reject the Champlain Hudson Canadian Power Line

Dear Members of Congress:

On behalf of tens of thousands of hard-working, middle class union families across New York State, we urge our Members of Congress to stand up for New York jobs and oppose the Champlain Hudson Power Express (CHPE) project and any subsidies for this 330-mile transmission line from Quebec to Queens.

The developers of the project made a business decision to propose a power line that denies access to power plants located within New York State, effectively blocking them from supplying New York City and the surrounding region with in-state produced electricity. As such, the project provides no economic opportunity for New York power generators, particularly those located in economically-distressed upstate communities, which would relish the chance to supply electricity to other parts of the state.

The Champlain Hudson transmission line also does nothing to relieve the existing electric transmission bottlenecks that imperil the economic future of many New York power plants. Instead, it bypasses the entire New York State transmission system with a one-way, one-customer power line that is off limits to New York generators and the tens of thousands of workers they employ.

Further, because the project is un-economic by design, it can only move forward with subsidized power purchase agreements that put New Yorkers on the short end of a one-way "energy highway," mainly benefitting its Canadian investors and Wall Street backers.

This Canadian power line is the wrong project at the wrong time and should not be subsidized by New York ratepayers or taxpayers. From Buffalo to Binghamton and Utica to Long Island City, this project will outsource New York jobs and economic opportunity.

Let's say YES to New York jobs and economic development. New York must pursue energy projects that create jobs and improve the quality and reliability of our electric system to ensure economic growth and prosperity.

We oppose the Champlain Hudson Power Express project and we respectfully urge you to stand united with your fellow New Yorkers and contact the President to let him know this harmful project is not in the best interest of the great State of New York.

Sincerely,

Richard Roberts
Business Agent at Large
Enterprise Association of Steamfitters Local Union 638

Michael Cavanaugh
Vice President
New York City District Council of Carpenters

James Slevin
Vice President
Utility Workers Union of America Local 1-2

Steve Ludwigson
Business Manager / Secretary-Treasurer
Boilermakers Local 5

Patrick Dolan, Jr.
President
Enterprise Association of Steamfitters Local Union 638

Anthony Saporito
Executive Vice-President
Mechanical Contractors Association

Don Daley
Chairman
International Brotherhood of Electrical Workers Utility Labor Council State of New York

STATE

703-11

703-11: Comment noted. The source of the electric power to be transmitted through the proposed CHPE Project and the possible development of in-state power generation is outside the scope of the EIS. NYSPSC identified in their Certificate issued for the proposed CHPE Project in April 2013 that "the Project would serve the public interest, convenience and necessity" and "increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices." See response to Comment 501-07 and Sections S.8.18 and 5.1.18 of the EIS regarding jobs created by the proposed CHPE Project.

Comment 704

International Brotherhood of

BOILERMAKERS LOCAL LODGE No. 5

GREG PETERSON
Assistant Business Manager
Zone 175

KEVIN O'BRIEN
Vice President

MATT LOPRESTI
Assistant Business Manager
Zone 197

Official Statement by Steven Ludwigson, Business Manager for Boilermakers Local 5
November 18, 2013 U.S. Department of Energy (DOE) hearing on the proposed Champlain Hudson Power Express, Inc. Transmission Line

My name is Steven Ludwigson and I am the Business Manager for Boilermakers Local 5. I represent the Boilermakers in all of New York State, with the exception of the 16 counties located around Buffalo, NY. Our members are highly skilled professionals, with expertise that comes only with extensive training and years of practice. I am here tonight to state on the record that Boilermakers Local 5 opposes the Champlain Hudson Power Express, Inc. power line and the proposed Federal action of granting a Presidential permit to construct, operate, maintain, and connect a new electric transmission line across the U.S. – Canada border in northeastern New York State.

The Champlain Hudson Power Express line, which proposes to bring 1,000 megawatts of power directly from Canada to New York City, would do nothing to strengthen the state's electricity grid. Practically speaking, the transmission line is a large extension cord that would bypass all of our state's existing energy sources and transmission infrastructure – such as upstate New York plants that have an excess of available power – instead of enhancing the overall capacity and stability of New York's power grid. New York will not be able to benefit from the low-cost power those upstate plants could be producing, and will instead become completely reliant on a foreign source of electricity. Our good friends in Canada will get new jobs, and New Yorkers will get the bill. 704-01

While we support an electricity highway that improves the state's energy infrastructure and generates union jobs for New Yorkers, we reject the CHPE proposal as a jobs killer. For maximum benefits to New York, especially in job retention and creation, new electricity infrastructure should support current and new in-state power generation. 704-02

New York needs to improve the transmission grid in the Upstate and Western regions so that in state power can be transported more efficiently, more economically, and in greater quantity throughout the State. Investing in our transmission infrastructure will lead to new jobs being created, and new opportunities for energy development throughout the state. 704-03

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704-01: See response to Comment 137-01.

704-02: Comment noted. See response to Comment 101-02 and Sections S.8.18 and 5.1.18 of the EIS regarding jobs created by the proposed CHPE Project.

704-03: See response to Comment 137-03.

BOILERMAKERS LOCAL LODGE No. 5

We also can't ignore the obvious: New York already has a very substantial generating capacity that can be expanded upon to meet our State's needs. New York can and should keep up with growing demand by ensuring the continued operation of our in-state energy sources and constructing new plants both upstate and downstate as necessary. There are several "shovel ready" sites that are already permitted or pending permits in the Hudson Valley that could meet this demand and keep New Yorkers working and the revenue generated in state. 704-03

In order to have a strong 21st century economy, New York needs to build and produce products. We can no longer afford to be viewed as only consumers bearing the brunt of others profits. Energy and manufacturing provide sustained, long-term, good-paying jobs - a large portion of which are skilled union positions. These jobs enable individuals to stay in New York, raise a family, and grow the middle class. They also establish the economic infrastructure for many additional service jobs and power other sectors of the State's economy.

New York's economy needs to be energized, and the opportunities are out there waiting to be seized upon. Such is the case with the opportunity to meet New York's growing demand for electricity, and solve transmission congestion problems, by investing in our in-state electrical infrastructure – rather than compounding these issues with a costly outsource to Canada. For jobs and a literally brighter future, we must act now and oppose the CHPE as an outright detriment to New York. 704-04

Thank you.

Steven Ludwigson
Business Manager
Boilermakers Local 5

704-04: Comment noted.

OPEN LETTER TO THE NEW YORK CONGRESSIONAL DELEGATION

Protect New York Jobs, In-State Power Generation & Taxpayer Dollars: **Reject the Champlain Hudson Canadian Power Line**

Dear Members of Congress:

On behalf of tens of thousands of hard-working, middle class union families across New York State, we urge our Members of Congress to stand up for New York jobs and oppose the Champlain Hudson Power Express (CHPE) project and any subsidies for this 330-mile transmission line from Quebec to Queens.

The developers of the project made a business decision to propose a power line that denies access to power plants located within New York State, effectively blocking them from supplying New York City and the surrounding region with in-state produced electricity. As such, the project provides no economic opportunity for New York power generators, particularly those located in economically-distressed upstate communities, which would relish the chance to supply electricity to other parts of the state.

The Champlain Hudson transmission line also does nothing to relieve the existing electric transmission bottlenecks that imperil the economic future of many New York power plants. Instead, it bypasses the entire New York State transmission system with a one-way, one-customer power line that is off limits to New York generators and the tens of thousands of workers they employ.

Further, because the project is un-economic by design, it can only move forward with subsidized power purchase agreements that put New Yorkers on the short end of a one-way "energy highway," mainly benefitting its Canadian investors and Wall Street backers.

This Canadian power line is the wrong project at the wrong time and should not be subsidized by New York ratepayers or taxpayers. From Buffalo to Binghamton and Utica to Long Island City, this project will outsource New York jobs and economic opportunity.

Let's say YES to New York jobs and economic development. New York must pursue energy projects that create jobs and improve the quality and reliability of our electric system to ensure economic growth and prosperity.

We oppose the Champlain Hudson Power Express project and we respectfully urge you to stand united with your fellow New Yorkers and contact the President to let him know this harmful project is not in the best interest of the great state of New York.

704-05

Sincerely,

Richard Roberts
Business Agent at Large
Steamfitters Local Union 638

Michael Cavanaugh
Vice President
New York City District Council
of Carpenters

James Slevin
Vice President
Utility Workers Union of
America Local 1-2

Steve Ludwigson
Business Manager
Boilermakers Local 5

Patrick Dolan, Jr.
President
Enterprise Association of
Steamfitters Local Union 638

Anthony Saporito
Executive Vice-President
Mechanical Contractors Association

Don Daley
Chairman
International Brotherhood of Electrical Workers
Utility Labor Council State of New York

704-05: See responses to Comments 501-07 and 703-11, and Sections S.8.18 and 5.1.18 of the EIS regarding jobs created by the proposed CHPE Project.

Comment 705

Stony Point
11/18/13

Joe Mirabile
NYS Laborers
18 Corporate Woods Blvd.
Albany, NY
12211

NYS LABORERS

Champlain Hudson Power Express
New York State Laborers
DOE Hearings Talking Points

- Introduce yourself.
  - I represent the New York State Laborers' Union with 40,000 members employed in the construction industry and other fields throughout the state. Our members are organized into more than 35 local unions and 5 district councils. We are a proud affiliate of the Laborers' International Union of North America (LIUNA).
  - Specifically I represent Local XX, with over XX members that live and work in this community

Impact of the Champlain Hudson Power Express Transmission Project for Our Members

- The Champlain Hudson Power Express Transmission project would create more than 300 construction jobs for our members from Clinton County along the route to Queens County during the 3.5 year construction period. It is also estimated that during peak construction there will be up to 600 construction jobs.
- The construction jobs will be associated with the construction of a converter station and the installation of the transmission cable within the state. Our members would also be involved with the construction of temporary access roads, site excavation and site restoration.
- We have 8 local unions represented throughout the geographic region of this project. The Champlain Hudson Power Express project would provide work opportunity in the communities where they live which would benefit these communities. — 705-01

Background on the Champlain Hudson Power Express Project (CHPE)

- The Champlain Hudson Power Express Project is a 333-mile, underground transmission line that will bring up to 1,000 megawatts of clean, renewable energy to the New York.
- Two six-inch wide cables will be buried under Lake Champlain, the Hudson, Harlem and East Rivers, along railroads and other public rights of way.

Environmental Impact of the CHPE Project

- By burying the line this project will have a minor impacts on communities and the environment.
- There will be temporary minimal impact during construction of the line, once installed, there will be no visual impacts and the project — 705-02

705-01: Comment noted.

705-02: See response to Comment 102-02.

- Transmission Developers, Inc., or TDI, is committed to constructing the line using the highest environmental standards to protect New York State's waters and communities' natural beauty.
- The Champlain Hudson Power Express Project will provide clean hydropower to fuel economic growth with significant environmental and consumer benefits:
  - The project will reduce sulfur dioxide and greenhouse gas emissions
  - The project will add options the state's energy selection and increase the electric grid's safety and security
  - This new, tough infrastructure will be less susceptible to damage from natural disasters
- A $117M Environmental Trust will be established to improve the aquatic environments in Lake Champlain, and the Hudson, Harlem and East Rivers, where the project is located.

705-03

705-03: Comment noted.

Economic Impact of the CHPE Project

- The construction jobs created by the Champlain Hudson Power Express project will result in an increase in demand of goods and services within the state.
- The project will also mean direct spending in New York, including non-labor installation costs, as well as fees and taxes paid to the local and state government.
- As there are more revenues/sales, businesses will have more profits and therefore be able to hire more people or make more investment in the community
- The $2.2 billion project will be financed completely by the private sector - with no responsibility on the customer for the costs of the development, construction, or operation of the line.

Jobs Impact of the CHPE Project

- 300 direct jobs will be created during the 3.5-year construction period -- peaking at 600 construction jobs
- During the construction phase of the Champlain Hudson Power Express project there will be more than 1,200 indirect jobs in New York State from suppliers and businesses in the local community along the route.

705-04

705-04: Comment noted.

Final Push for CHPE Project

- The New York State Public Service Commission approved the Champlain Hudson Power Express project in April of this year. We are here to urge you to grant all federal permits to Transmission Developers, Inc. quickly so that this important transmission line project can move forward. This project means jobs for many of our local union members and opportunities for the State that would benefit our communities for years to come.

705-05

705-05: See response to Comment 102-05.

Comment 706

Vincent Albanese – Stony Point –

NYS LABORERS

Champlain Hudson Power Express
New York State Laborers
DOE Hearings Talking Points

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706-01: Comment noted.

706-02: See response to Comment 102-02.

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  - The project will reduce sulfur dioxide and greenhouse gas emissions
  - The project will add options the state's energy selection and increase the electric grid's safety and security
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706-03

706-03: Comment noted.

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706-04

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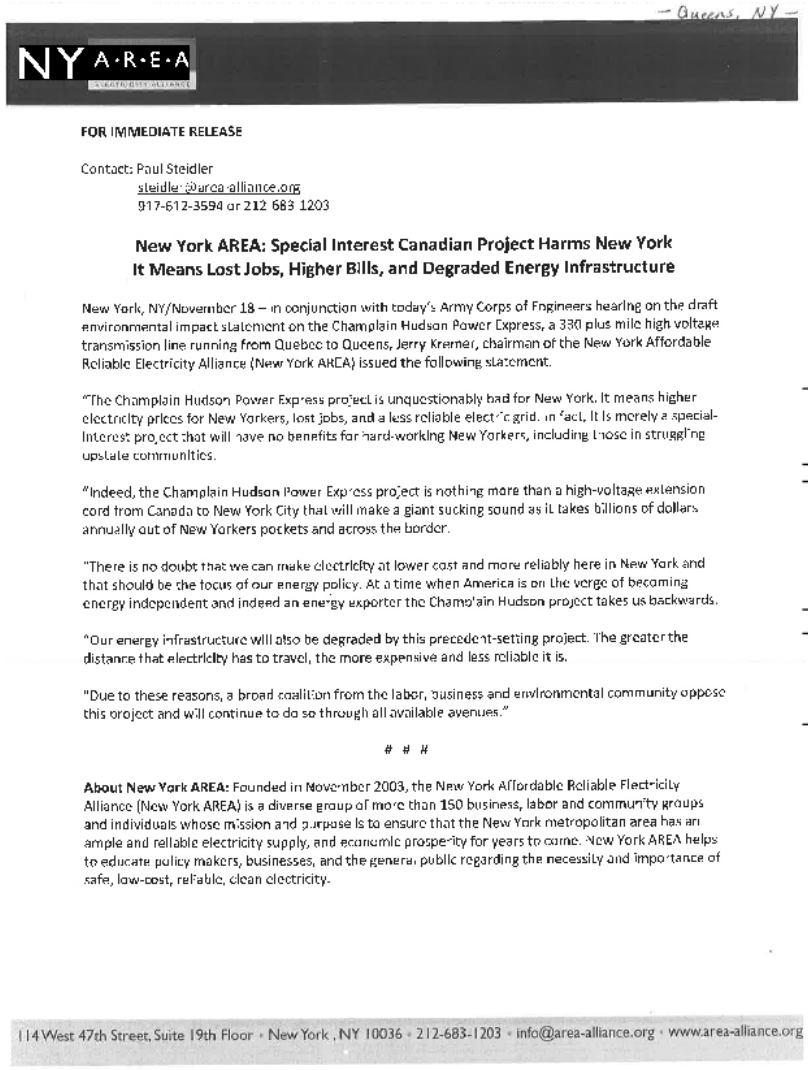
706-05

706-05: See response to Comment 102-05.

Comment 707



— Queens, NY —

NY A·R·E·A

FOR IMMEDIATE RELEASE

Contact: Paul Steidler
steidler@area-alliance.org
917-612-3594 or 212 683 1203

New York AREA: Special Interest Canadian Project Harms New York
It Means Lost Jobs, Higher Bills, and Degraded Energy Infrastructure

New York, NY/November 18 – In conjunction with today's Army Corps of Engineers hearing on the draft environmental impact statement on the Champlain Hudson Power Express, a 330 plus mile high voltage transmission line running from Quebec to Queens, Jerry Kremer, chairman of the New York Affordable Reliable Electricity Alliance (New York AREA) issued the following statement.

"The Champlain Hudson Power Express project is unquestionably bad for New York. It means higher electricity prices for New Yorkers, lost jobs, and a less reliable electric grid. In fact, it is merely a special-interest project that will have no benefits for hard-working New Yorkers, including those in struggling upstate communities.

"Indeed, the Champlain Hudson Power Express project is nothing more than a high-voltage extension cord from Canada to New York City that will make a giant sucking sound as it takes billions of dollars annually out of New Yorkers pockets and across the border.

"There is no doubt that we can make electricity at lower cost and more reliably here in New York and that should be the focus of our energy policy. At a time when America is on the verge of becoming energy independent and indeed an energy exporter the Champlain Hudson project takes us backwards.

"Our energy infrastructure will also be degraded by this precedent-setting project. The greater the distance that electricity has to travel, the more expensive and less reliable it is.

"Due to these reasons, a broad coalition from the labor, business and environmental community oppose this project and will continue to do so through all available avenues."

# # #

About New York AREA: Founded in November 2003, the New York Affordable Reliable Electricity Alliance (New York AREA) is a diverse group of more than 150 business, labor and community groups and individuals whose mission and purpose is to ensure that the New York metropolitan area has an ample and reliable electricity supply, and economic prosperity for years to come. New York AREA helps to educate policy makers, businesses, and the general public regarding the necessity and importance of safe, low-cost, reliable, clean electricity.

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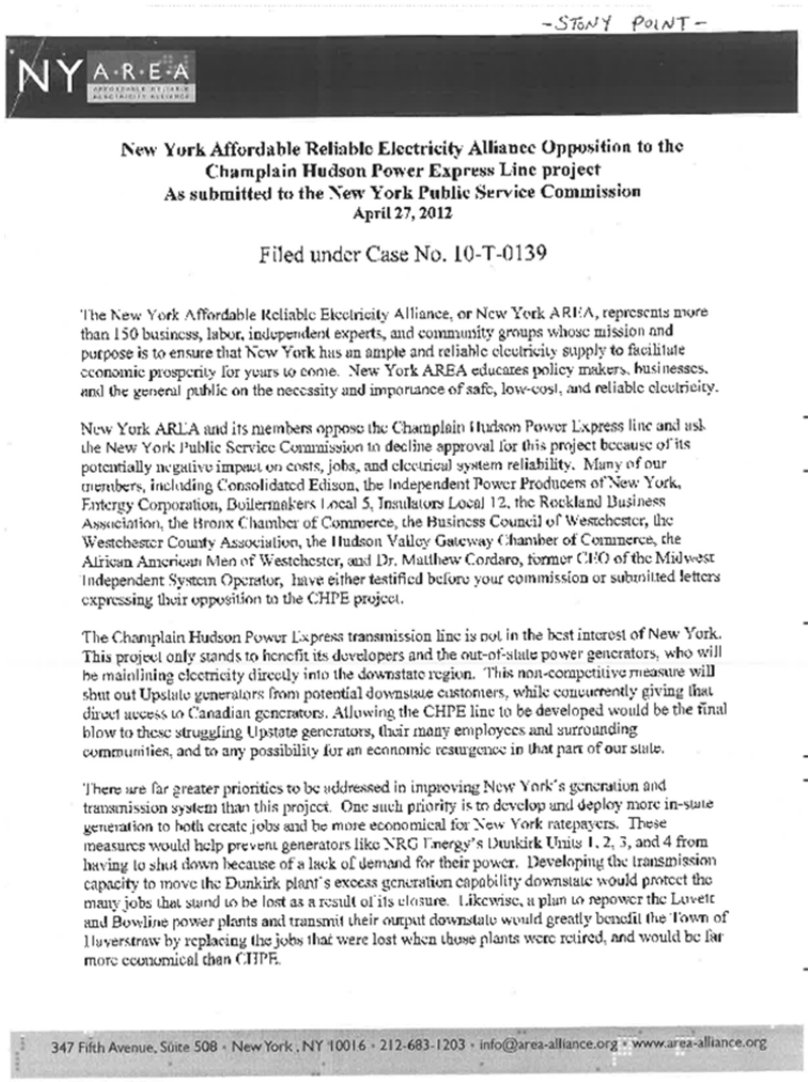
707-01 **707-01:** See response to Comment 103-01.

707-02 **707-02:** See response to Comment 103-02.

707-03 **707-03:** See response to Comment 103-03.

Comment 708



-STONY POINT-

NY A·R·E·A

New York Affordable Reliable Electricity Alliance Opposition to the Champlain Hudson Power Express Line project As submitted to the New York Public Service Commission April 27, 2012

Filed under Case No. 10-T-0139

The New York Affordable Reliable Electricity Alliance, or New York AREA, represents more than 150 business, labor, independent experts, and community groups whose mission and purpose is to ensure that New York has an ample and reliable electricity supply to facilitate economic prosperity for years to come. New York AREA educates policy makers, businesses, and the general public on the necessity and importance of safe, low-cost, and reliable electricity.

New York AREA and its members oppose the Champlain Hudson Power Express line and ask the New York Public Service Commission to decline approval for this project because of its potentially negative impact on costs, jobs, and electrical system reliability. Many of our members, including Consolidated Edison, the Independent Power Producers of New York, Entergy Corporation, Boilermakers Local 5, Insulators Local 12, the Rockland Business Association, the Bronx Chamber of Commerce, the Business Council of Westchester, the Westchester County Association, the Hudson Valley Gateway Chamber of Commerce, the African American Men of Westchester, and Dr. Matthew Cordaro, former CEO of the Midwest Independent System Operator, have either testified before your commission or submitted letters expressing their opposition to the CHPE project.

The Champlain Hudson Power Express transmission line is not in the best interest of New York. This project only stands to benefit its developers and the out-of-state power generators, who will be mainlining electricity directly into the downstate region. This non-competitive measure will shut out Upstate generators from potential downstate customers, while concurrently giving that direct access to Canadian generators. Allowing the CHPE line to be developed would be the final blow to these struggling Upstate generators, their many employees and surrounding communities, and to any possibility for an economic resurgence in that part of our state.

There are far greater priorities to be addressed in improving New York's generation and transmission system than this project. One such priority is to develop and deploy more in-state generation to both create jobs and be more economical for New York ratepayers. These measures would help prevent generators like NRG Energy's Dunkirk Units 1, 2, 3, and 4 from having to shut down because of a lack of demand for their power. Developing the transmission capacity to move the Dunkirk plant's excess generation capability downstate would protect the many jobs that stand to be lost as a result of its closure. Likewise, a plan to repower the Lovett and Bowline power plants and transmit their output downstate would greatly benefit the Town of Haverstraw by replacing the jobs that were lost when these plants were retired, and would be far more economical than CHPE.

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708-01

708-02

708-03

708-01: Comment noted.

708-02: NYSPSC identified in their Certificate issued in April 2013 for the proposed CHPE Project that "the Project would serve the public interest, convenience and necessity" and "increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices." See response to Comment 101-02 and Sections S.8.18 and 5.1.18 of the EIS regarding jobs created by the proposed CHPE Project.

708-03: Comment noted. The proposed CHPE Project would not prevent development of other projects. However, as presented in Section 1.2 of the EIS, the purpose of and need for DOE's Proposed Action is to decide whether or not to issue a Presidential permit for the proposed transmission line crossing the U.S./Canada international border (i.e., proposed CHPE Project). Continued operation of, repowering of, or development of other in-state power sources, or development of new transmission capacity is not the subject of the application for a Presidential permit and, therefore, is outside the scope of the EIS.

We share the perspectives expressed by the New York Power Authority and Con Edison that the CHPE project's costs are significantly underestimated and its benefits are overinflated. Con Edison's cost-benefit analysis of the CHPE project found that the total project cost would be $11 billion[1]. The breakdown is as follows:

- $6.7 billion to build new power plants in Canada.
- $2 billion in transmission lines from Canada to the US border.
- $2 billion for CHPE's power line to run across the Hudson Valley and into Astoria, NY.[2]

Though these are conservative estimates of the immediate and known costs, the $11 billion is a staggering number. According to Con Edison, "the breakeven point would be $300/MWh."[3] This is assuming that the CHPE does not experience any cost overruns or unforeseen costs, as is often the case with large-scale projects. What is perhaps most concerning is that the project's developer, Transmission Developers, Inc. (TDI) wants the authority to change the terms of its deal with the State of New York at any time and file a request with the Federal Energy Regulatory Commission (FERC) to pass its capital costs for the project's build-out to New York ratepayers. Con Edison, in its official statement of opposition to the CHPE joint proposal, points out that this proposed condition would allow the project's developers:

> "To seek to shift, at a time of their own choosing, the risks and costs of the project from their investors to utility ratepayers … [So that] merchants get to enjoy the profits of their investments in return for assuming the risk of losses that result from such factors as higher-cost financing, cost overruns or a lack of demand for their products or services."[4]

Additionally, CHPR is vigorously opposed to being evaluated under current state and federal rules, which means that New Yorkers will likely be kept in the dark about the project's costs until after it has been constructed.

New Yorkers already pay the third-highest energy rates in the nation[5]. Yet, the CHPE Project asks New York ratepayers to subsidize its capital costs without receiving any benefit to the existing transmission infrastructure that delivers the majority of their electric power, or the benefit of having Upstate generators compete for their business. The last thing we need is to increase that burden for the businesses, industries, and individuals struggling to recover from the economic recession.

Allowing CHPE to bypass the New York Independent System Operator's (NYISO) Reliability Needs Assessment (RNA) and ignore NYISO's Congestion Analysis and Resource Integration Study (CARIS) would effectively change the rules for energy regulation in New York to the benefit of out-of-state interests. This is a matter of consumer protection, not a thin cloak of competition as purported by TDI. The developers of this project must be held to the same

[1] "Consolidated Edison Statement in Opposition to the Joint Proposal," March 16, 2012, p. 4.
[2] Ibid, p. 4-5.
[3] Ibid, p. 4.
[4] Ibid, p. 3-4.
[5] "State Electricity Profiles" US Energy Information Administration, January 30, 2012.

New York AREA 2

708-04

708-04: The cost of the proposed CHPE Project is outside the scope of the EIS.

708-05

708-05: As stated in Section 1.4 of the EIS, the economics of the proposed CHPE Project and potential impact on ratepayers were evaluated as part of the NYSPSC Article VII review process. Independent modeling conducted by the NYSDPS projected that ratepayer benefits in the New York Control Area would total approximately $405 million to $720 million per year.

financial duty and scrutiny as in-state power generators. Otherwise we risk allowing these developers to saddle New York ratepayers with uneconomic projects and higher electricity costs.

If this project provides the benefit that it claims, then TDI should not have a problem proving its financial viability as a merchant facility, or abandoning the stipulation that it be able to pass its costs to New York ratepayers. In addition, the company should have no problem waiving its right to establish cost-based rates for certain limited uses of the Astoria-Rainey Cable.

TDI is also requesting that New York, and more specifically Con Edison and Central Hudson Gas and Electric, change the reliability system solely for the project's benefit. This is one of the many reasons both utilities are vehemently opposed to the CHPE line. Not only is TDI looking to burden ratepayers with the costs for this project, should it prove financially non-viable, but it also wants to implement a Special Protection System (SPS) that would allow it to re-route power flows at will. The New York Power Authority and Con Edison both indicate in their comments to the PSC that the use of an SPS would have severe negative impact on the reliability of the New York State bulk power system. Con Edison additionally points out that TDI "failed to analyze the economic, environmental, reliability and other impacts of the lesser, most likely, energy deliverability scenario … without an SPS."[6]

The CHPE line will serve the interests of TDI and out-of-state generators, without solving the demand issues of the downstate region, at the expense of generators in Upstate and Western New York. If developed, this transmission line, which is slated to run along the Vermont border and under the Hudson River, would completely bypass in-state generators, including upstate renewable energy. In doing so, the project would undermine one of the fundamental reasons for the transmission upgrades the Governor has outlined in his energy highway proposal – to transport excess power from upstate and western New York to the downstate region.

Even if the CHPE line is developed, we cannot be assured that Canadian hydro-electric generators (the assumed suppliers of power to New York via the CHPE line) will in fact continue to operate on a merchant basis. What happens if these out-of-state generators suddenly shift their priorities? The rolling blackouts and $1,000/megawatt-hour costs experienced by California ratepayers in 2000 and 2001 illustrates the danger of being over-reliant on imported power.

The Champlain-Hudson Power Express line does not make sense from an economic, public policy, or energy perspective. Relying too heavily on out-of-state power instead of upgrading in-state energy infrastructure is backwards public policy that fails to put the priorities and interests of New Yorkers first. It should also be stated that, despite the pipe dreams of some, CHPE is not an alternative to Indian Point, as it will neither provide the megawatts nor voltage support that the system needs. What these self-interested parties fail to realize is that even with CHPE, there will still be a strong and compelling need for Indian Point. NYISO's Comprehensive Reliability Plan points out that the closure of Indian Point would "drastically" impact electrical reliability, "degrade" the bulk power system, and potentially even lead to "emergency" measures, which include "rolling blackouts."[7]

[6] "Consolidated Edison Statement in Opposition to the Joint Proposal," March 16, 2012, p. 17.
[7] "2010 Comprehensive Reliability Plan: Final Report," New York Independent System Operator, January 11, 2011.

New York AREA 3

708-05

708-06

708-07

708-06: See response to Comment 708-02. Additionally, to ensure adequate reliability, the proposed CHPE Project would comply with the applicable reliability criteria of NYSPSC, New York Power Authority (NYPA), NYISO, and the New York State Reliability Council (NYSRC).

708-07: Comment noted. See response to Comment 708-02.

The International Brotherhood of Electrical Workers (IBEW) Local 97, in its official statement of opposition to this project, astutely points out to this honorable body that, "upgrading New York State's transmission system would require construction at both the ***source*** of generated power and the ***load*** powered by that generation."[8] The CHPE fails to fulfill those requirements. Approval of this project would kill any hope of seeing the Governor's energy highway plan come to fruition. The two projects cannot co-exist, so we are left to choose between the energy highway and the CHPE line. In making that choice, this commission need only ask itself what is truly in the best interest for all New Yorkers. We can with certainty tell you that CHPE is not. 708-08

New York is finally at a point where it can truly take the right steps in preparing for its future energy needs. We are in the early stages of determining the scope of Governor Cuomo's proposed energy highway, and looking for the most economical and compelling projects for ratepayers. The CHPE project would put a chill on any potential for future investment in our energy infrastructure by forcing us to import electricity we can more efficiently and affordably generate in-state.

A transmission project that provides its developer with direct access to downstate customers, while blocking Upstate competition for that market, and shifts the capital risks to ratepayers, is a great deal for TDI, but not for the State of New York. New York AREA urges this honorable body to consider the interests of New Yorkers and to support job creation and economic opportunity in our great state. New York must focus on supplying its own power through in-state generation and transmission upgrades that ratepayers can afford. This state cannot withstand being placed in a position of over-reliance on out-of-state power companies, or put its ratepayers and taxpayers at risk of being burdened by unnecessary price increases. New York's priorities must focus on upgrading its own aging transmission and generation systems, so that we can proudly say the power we use is "New York-made." 708-09

[8] "Statement of International Brotherhood of Electrical Workers, Local 97 Opposing the Joint Proposal," March 16, 2012, p. 6.

708-08: The proposed CHPE Project is consistent with the goals identified in the *New York Energy Highway Blueprint* because it was designed to increase electric power supply capacity and reliability, and decrease transmission congestion in the New York State Bulk Power System (NYSBPS).

708-09: Comment noted.

NY AREA
ELECTRICITY ALLIANCE

COMMENTS AND TESTIMONY IN OPPOSITION TO CHPE

Gavin J. Donohue, President and CEO of the Independent Power Producers of New York, Inc.:

"The Champlain-Hudson Power Express line makes little sense from an economic, public policy, or energy perspective. Relying on foreign-generated power instead of upgrading in-state energy infrastructure does not put the interests of New Yorkers first." (*Comments in opposition to the proposed Champlain-Hudson Power Express Transmission Line*, April 24, 2012)

Consolidated Edison Company of New York, Inc.:

"The only thing certain about this Project is its high cost." (*Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

"What the Applicants are seeking is nothing less than a right to pursue a bailout of their investors by utility ratepayers." (*Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

Phil Wilcox, Business Representative for IBEW Local 97:

"Thousands of existing New York state jobs will be lost and thousands of potential new ones as well." (*Albany Times-Union*, February 25, 2012)

International Brotherhood of Electrical Workers Local 97:

"The CHPE project's failure to provide access to New York's valuable generation resources is contrary to the policy laid out by Governor Cuomo in his State of the State address." (*Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

"This project would put hundreds of well-paying and critically needed jobs at substantial risk. In addition, millions of dollars in property taxes and other payments made to municipalities by New York's generators would be eliminated." (*Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

The New York Power Authority:

"[NYPA] is also concerned about the accuracy of CHPE's current estimates of its projected construction costs and the results of its cost/benefit analysis. Based upon NYPA's experience, the construction costs are significantly underestimated and the cost benefits are significantly overestimated in light of current projections of load and electric prices." (*Statement Regarding the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

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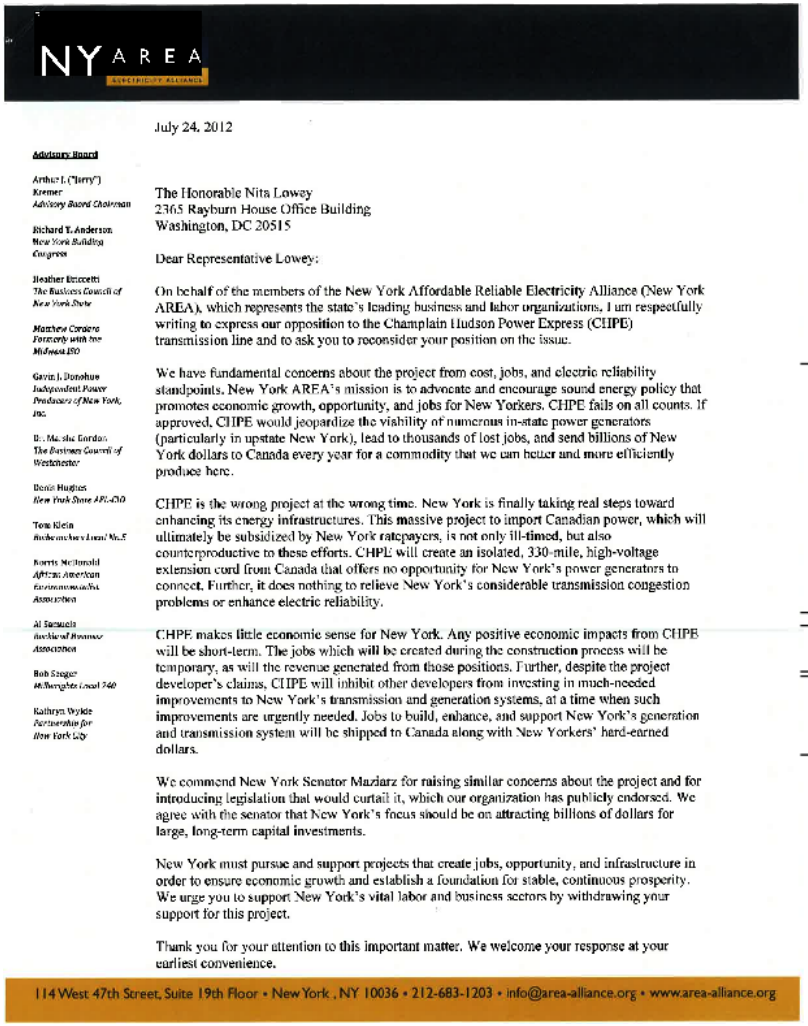

NY AREA
AFFORDABLE RELIABLE ELECTRICITY ALLIANCE

July 24, 2012

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Building Trades Association

Bob Steiger
Millwrights Local 740

Kathryn Wylde
Partnership for New York City

The Honorable Nita Lowey
2365 Rayburn House Office Building
Washington, DC 20515

Dear Representative Lowey:

On behalf of the members of the New York Affordable Reliable Electricity Alliance (New York AREA), which represents the state's leading business and labor organizations, I am respectfully writing to express our opposition to the Champlain Hudson Power Express (CHPE) transmission line and to ask you to reconsider your position on the issue.

We have fundamental concerns about the project from cost, jobs, and electric reliability standpoints. New York AREA's mission is to advocate and encourage sound energy policy that promotes economic growth, opportunity, and jobs for New Yorkers. CHPE fails on all counts. If approved, CHPE would jeopardize the viability of numerous in-state power generators (particularly in upstate New York), lead to thousands of lost jobs, and send billions of New York dollars to Canada every year for a commodity that we can better and more efficiently produce here.

CHPE is the wrong project at the wrong time. New York is finally taking real steps toward enhancing its energy infrastructures. This massive project to import Canadian power, which will ultimately be subsidized by New York ratepayers, is not only ill-timed, but also counterproductive to these efforts. CHPE will create an isolated, 330-mile, high-voltage extension cord from Canada that offers no opportunity for New York's power generators to connect. Further, it does nothing to relieve New York's considerable transmission congestion problems or enhance electric reliability.

CHPE makes little economic sense for New York. Any positive economic impacts from CHPE will be short-term. The jobs which will be created during the construction process will be temporary, as will the revenue generated from those positions. Further, despite the project developer's claims, CHPE will inhibit other developers from investing in much-needed improvements to New York's transmission and generation systems, at a time when such improvements are urgently needed. Jobs to build, enhance, and support New York's generation and transmission system will be shipped to Canada along with New Yorkers' hard-earned dollars.

We commend New York Senator Maziarz for raising similar concerns about the project and for introducing legislation that would curtail it, which our organization has publicly endorsed. We agree with the senator that New York's focus should be on attracting billions of dollars for large, long-term capital investments.

New York must pursue and support projects that create jobs, opportunity, and infrastructure in order to ensure economic growth and establish a foundation for stable, continuous prosperity. We urge you to support New York's vital labor and business sectors by withdrawing your support for this project.

Thank you for your attention to this important matter. We welcome your response at your earliest convenience.

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708-10

708-10: See responses to Comments 708-02, 708-03, and 708-05.

708-11

708-11: See response to Comment 101-02.

708-12

708-12: See response to Comment 708-03.

NY AREA

Sincerely,

Arthur "Jerry" Kremer
Chairman
New York Affordable Reliable Electricity Alliance (New York AREA)

Deborah Milone
Executive Director
Hudson Valley Gateway Chamber of Commerce

William M. Mooney, Jr.
President
Westchester County Association

Dr. Marsha Gordon
President and CEO
The Business Council of Westchester

Thomas Klein
Business Manager
Boilermakers Local 5

Al Samuels
President and CEO
Rockland Business Association

Lenny Caro
President and CEO
Bronx Chamber of Commerce

Matty Aracich
Business Manager
Insulators Local 12

Melvin Burruss
President
African American Men of Westchester

Dr. Matthew Cordaro
Former President and CEO
Midwest Independent System Operator

2

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Community View: PSC should reject Champlain Hudson power plan

By: Al Samuels

In order to have a strong, revived, consistently growing economy New York needs to bolster its economic infrastructure, particularly its aging electricity transmission grid.

Unfortunately a plan to bypass our electric grid and further isolate upstate New York power generators via a high-voltage transmission line that would run under the Hudson River, Rockland Lake State Park, and other areas in Rockland County will undermine these goals.

The project, known as Champlain Hudson Power Express, a direct current line between Hydro-Québec and Astoria Queens, will in all likelihood lead to higher electric bills, lost jobs and higher electricity reliability risks. It amounts to sending dollars to Canada for a product that can be more efficiently and reliably made here. Con Edison has noted, "The only thing certain about this Project is its high costs."

Seeking low-cost energy

America's economy already suffers greatly because we pay an enormous amount for imported energy in the form of imported oil. The huge cash outflow to other countries not only creates short-term pain for consumers and businesses, it curtails opportunities to invest in and build America.

By contrast, one of the success stories for the American economy has been the emergence of abundant, low-cost electricity, nearly all of which is produced domestically. For energy-intensive businesses such as manufacturers, dry cleaners, information technology, restaurants and the hospitality sector this has a stimulating and beneficial effect.

While prices are low, more needs to be done on the transmission front. To his credit, Gov. Andrew Cuomo has assembled a task force that is in the early stages of evaluating ideas and formulating plans for an "energy highway" to modernize New York's electrical grid. With 85 percent of the bulk transmission system having been built before 1980, the task force estimates that about 25 percent of the state's transmission system will have to be replaced within the next 10 years. In addition to ensuring reliability we must facilitate the ability to move lower cost power from upstate to downstate and reduce congestion costs to local electric consumers.

3

The CHPE, however, does nothing to promote these objectives -- in fact it undercuts them. The CHPE is isolated from the rest of the grid. There are no interconnections for New York power generators.

In fact, the CHPE would bypass all in-state energy sources, many of which have excess power and excess capacity. Upstate generators and transmission facilities, which produce low-cost power, simply cannot connect to the project.

No gain for region

For Rockland County, this issue hits home and is particularly distressing. The Lovett and Bowline plants were once solid economic engines for our region, which helped ensure reliable and cost competitive power. Now Lovett is gone and Bowline operates at low capacity. Indeed, the effects of the lost jobs and lost tax payments at these and other plants are very significant for New York communities.

The region would benefit by having new, modernized plants at these facilities. And, just as new baseball stadiums for the Yankees and Mets were built adjacent to prior ones, existing and former power plant sites often attract new investors. However, the CHPE line completely undercuts this as it will run through Rockland County, but no Rockland County power generator will be allowed to connect to the line.

Infrastructure is expensive. As such, standalone projects are less desirable and bad public policy. Investment in projects that provide benefits across the board, and increase economic opportunity for the region provide the best return.

While on the surface CHPE may seem to provide a panacea of "clean power," closer examination reveals that it is a project of short-term opportunity that fails to address the strategic infrastructure needs of the region, enhance electric system reliability or increase competition to the benefit of electric customers.

Let's build a real energy superhighway, one that connects upstate power sources with downstate consumers to the benefit of all — that's sound energy policy and even better economic news for Rockland and the entire region.

Hopefully, the New York Public Service Commission, which is reviewing the project on behalf of all New Yorkers, will uphold the standard that projects must provide public benefits, and reject this "special interest" proposal.

The writer is president/CEO of the Rockland Business Association.

Comment 709

International Brotherhood of
BOILERMAKERS • IRON SHIP BUILDERS
BLACKSMITHS • FORGERS & HELPERS

STEVEN LUDWIGSON
Business Manager
Secretary-Treasurer

TOM RYAN
Assistant Business Manager
President

BOILERMAKERS LOCAL LODGE No. 5

GREG PETERSON
Assistant Business Manager
Zone 175

KEVIN O'BRIEN
Vice President

MATT LOPRESTI
Assistant Business Manager
Zone 197

Official Statement by Steven Ludwigson, Business Manager for Boilermakers Local 5

November 19, 2013 U.S. Department of Energy (DOE) hearing on the proposed Champlain Hudson Power Express, Inc. Transmission Line

My name is Steven Ludwigson and I am the Business Manager for Boilermakers Local 5. I represent the Boilermakers in all of New York State, with the exception of the 16 counties located around Buffalo, NY. Our members are highly skilled professionals, with expertise that comes only with extensive training and years of practice. I am here tonight to state on the record that Boilermakers Local 5 opposes the Champlain Hudson Power Express, Inc. power line and the proposed Federal action of granting a Presidential permit to construct, operate, maintain, and connect a new electric transmission line across the U.S. – Canada border in northeastern New York State.

The Champlain Hudson Power Express line, which proposes to bring 1,000 megawatts of power directly from Canada to New York City, would do nothing to strengthen the state's electricity grid. Practically speaking, the transmission line is a large extension cord that would bypass all of our state's existing energy sources and transmission infrastructure – such as upstate New York plants that have an excess of available power – instead of enhancing the overall capacity and stability of New York's power grid. New York will not be able to benefit from the low-cost power those upstate plants could be producing, and will instead become completely reliant on a foreign source of electricity. Our good friends in Canada will get new jobs, and New Yorkers will get the bill. 709-01

While we support an electricity highway that improves the state's energy infrastructure and generates union jobs for New Yorkers, we reject the CHPE proposal as a jobs killer. For maximum benefits to New York, especially in job retention and creation, new electricity infrastructure should support current and new in-state power generation. 709-02

New York needs to improve the transmission grid in the Upstate and Western regions so that in state power can be transported more efficiently, more economically, and in greater quantity throughout the State. Investing in our transmission infrastructure will lead to new jobs being created, and new opportunities for energy development throughout the state. 709-03

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709-01: See response to Comment 137-01.

709-02: Comment noted. Also see response to Comment 101-02.

709-03: See response to Comment 137-03.

BOILERMAKERS LOCAL LODGE No. 5

We also can't ignore the obvious: New York already has a very substantial generating capacity that can be expanded upon to meet our State's needs. New York can and should keep up with growing demand by ensuring the continued operation of our in-state energy sources and constructing new plants both upstate and downstate as necessary. There are several "shovel ready" sites that are already permitted or pending permits in the Hudson Valley that could meet this demand and keep New Yorkers working and the revenue generated in state. 709-03

In order to have a strong 21st century economy, New York needs to build and produce products. We can no longer afford to be viewed as only consumers bearing the brunt of others profits. Energy and manufacturing provide sustained, long-term, good-paying jobs - a large portion of which are skilled union positions. These jobs enable individuals to stay in New York, raise a family, and grow the middle class. They also establish the economic infrastructure for many additional service jobs and power other sectors of the State's economy.

New York's economy needs to be energized, and the opportunities are out there waiting to be seized upon. Such is the case with the opportunity to meet New York's growing demand for electricity, and solve transmission congestion problems, by investing in our in-state electrical infrastructure – rather than compounding these issues with a costly outsource to Canada. For jobs and a literally brighter future, we must act now and oppose the CHPE as an outright detriment to New York. 709-04

Thank you.

Steven Ludwigson
Business Manager
Boilermakers Local 5

709-04: Comment noted.

Mr. Brian Mills
Department of Energy
Office of Electricity Delivery&Energy Reliability (OE20)
U. S. Department of Energy
1000 Independence Ave, SW
Washington, DC 20585
Phone: 202-586-8267
Fax: 202-586-8008

Mr. Jun Yan,
USACE Project Manager, Eastern Section
Regulatory Branch New York District
U.S. Army Corps of Engineers
26 Federal Plaza, Room 1937
New York, NY 10278
212-000-0000
212-264-4260

Comments can be submitted via email to: Brian.Mills@hq.doe.gov jun.yan@usace.army.mil

Deadline for Comments: **December 16, 2013**

Request to the DOE and USACE for extension of comment period, ***"Draft EIS Comments"***

Dear Mr. Mills,

This letter serves to reiterate the multiple requests at the Public Hearing on Nov 18, 2013, in the Town of Stony Point for a reasonable extension of 180 days for the comment period. In NYS the Developers for proposed power plants are required to provide intervener funds for the impacted communities. In this case there are no intervener funds from the developer which would allow the residents, business owners and other stake holders to hire experts to review and respond adequately to the "Draft EIS Comments" to both the DOE and USACE. 709-05

The venue for the Hearings in both Stony Point and Queens were not the most appropriate. The Hearing in Queens was not within the impacted community. The Hearing in Stony Point would have been better held in the local Middle School, more seating and better parking, residents who came and could not get through the "orange shirts" in the hallway would not have left. 709-06

Public Notice in Rockland County was not adequate. For example, when the Stony Point Center, was called they could not confirm the Hearing on Monday Nov 18, 2013, was for the Champlain Hudson Power Express, DOE Hearing. Apparently the Hearing Notice distribution within Rockland County was inconsistent; some received a simple sheet of paper with a sticker, easily lost in the general bulk mail. 709-07

There was no outreach and translated information for the Hispanic population. 709-08

Stony Point was promised by CHPE that they would not go through the Waldron Revolutionary and War of 1812 Cemetery, the maps in the DEIS show differently. There are many contradictory installations issues, that require due diligence. 709-09 There is also the Army Corps of Engineers filing, where do we find that? The instructions did not specify that in fact there are two responses required, one for the DOE and one for the USACE. The documents that were supplied at the meeting did not constitute the entire filing, only a certain segment of the DOE DEIS? Are the USACE documents different than the DOE documents? 709-10

I am respectively requesting the extension based on the above reasons.

Resident: STEVEN LUDWIGSON
Address: 163 OLD INDIAN ROAD
MILTON, NY 12547

Phone: 845-633-4955
E-mail: sludwigson@aol.com

709-05: See response to Comment 303-01. The availability of intervener funds from the developer is outside the scope of this EIS.

709-06: See response to Comment 703-06.

709-07: See response to Comment 703-07.

709-08: See response to Comment 109-03.

709-09: See response to Comment 703-09.

709-10: See response to Comment 703-10.

OPEN LETTER TO THE NEW YORK CONGRESSIONAL DELEGATION

Protect New York Jobs, In-State Power Generation & Taxpayer Dollars: **Reject the Champlain Hudson Canadian Power Line**

Dear Members of Congress:

On behalf of tens of thousands of hard-working, middle class union families across New York State, we urge our Members of Congress to stand up for New York jobs and oppose the Champlain Hudson Power Express (CHPE) project and any subsidies for this 330-mile transmission line from Quebec to Queens.

The developers of the project made a business decision to propose a power line that denies access to power plants located within New York State, effectively blocking them from supplying New York City and the surrounding region with in-state produced electricity. As such, the project provides no economic opportunity for New York power generators, particularly those located in economically-distressed upstate communities, which would relish the chance to supply electricity to other parts of the state.

The Champlain Hudson transmission line also does nothing to relieve the existing electric transmission bottlenecks that imperil the economic future of many New York power plants. Instead, it bypasses the entire New York State transmission system with a one-way, one-customer power line that is off limits to New York generators and the tens of thousands of workers they employ.

Further, because the project is un-economic by design, it can only move forward with subsidized power purchase agreements that put New Yorkers on the short end of a one-way "energy highway," mainly benefitting its Canadian investors and Wall Street backers.

This Canadian power line is the wrong project at the wrong time and should not be subsidized by New York ratepayers or taxpayers. From Buffalo to Binghamton and Utica to Long Island City, this project will outsource New York jobs and economic opportunity.

Let's say YES to New York jobs and economic development. New York must pursue energy projects that create jobs and improve the quality and reliability of our electric system to ensure economic growth and prosperity.

We oppose the Champlain Hudson Power Express project and we respectfully urge you to stand united with your fellow New Yorkers and contact the President to let him know this harmful project is not in the best interest of the great State of New York.

Sincerely,

Richard Roberts
Business Agent at Large
Enterprise Association of
Steamfitters Local Union 638

Michael Cavanaugh
Vice President
New York City District Council
of Carpenters

James Slevin
Vice President
Utility Workers Union of
America Local 1-2

Steve Ludwigson
Business Manager /
Secretary-Treasurer
Boilermakers Local 5

Patrick Dolan, Jr.
President
Enterprise Association of
Steamfitters Local Union 638

Anthony Saporito
Executive Vice-President
Mechanical Contractors Association

Don Daley
Chairman
International Brotherhood of Electrical Workers
Utility Labor Council State of New York

709-11

709-11: See response to Comment 703-11.

Canada-owned company seeks U.S. dollars for electric line

BY SCOTT WALDMAN
3:33 pm Nov. 18, 2013

Lake Champlain. via Wikimedia

ALBANY—A hydropower utility company owned by the Canadian government is seeking state taxpayer money to run a transmission line down the Hudson River from Quebec to New York.

Hydro-Quebec is a Canadian state-owned utility that has received approval to sell power through the Champlain Hudson Power Express, a 330-mile long cable that will run through Lake Champlain, then follow railroad beds and down the Hudson. It recently requested access to state money to help fund the $2 billion project. The state's pot of money to support renewable energy projects currently comes from a utility bill surcharge on New York residents and cannot be distributed to companies from out of state.

The company that would build the line, Transmission Developers Inc., is based in Albany. The project received state approval earlier this year, but still needs the go-ahead from federal regulators and the U.S. Army Corps of Engineers.

TDI has not sought any state funds, company president Donald Jessome said, but he understands why Hydro-Quebec has sought financial incentives for the project.

"They benefit the state by entering the market," he said. "Any good business man or women will tell you they seek every piece of revenue."

Hydro-Quebec produces power from 60 hydroelectric, a nuclear and 27 thermal generating stations. New York uses the utility surcharge to support the development of alternative energy, but it is intended for projects by state companies.

Environmentalists and labor unions have hailed the project because it will decrease reliance on fossil fuels while creating hundreds of construction jobs over the four years it will take to construct. It will bring 1,000 megawatts of cheap renewable-energy power to New York, enough to power a million homes.

But the prospect of using state money to finance a foreign company's work on the project has drawn opposition from a local industry group.

Gavin Donohue, president of the Independent Power Producers of New York, said, "It's increasingly hard and difficult to compete as it is and why should we compete with a foreign government. What a bad message this would send to business in New York that we're going to support a foreign government."

Hydro-Quebec, which declined comment, has a U.S. subsidiary that is a member of the I.P.P. The I.P.P. submitted comments to the Public Service Commission that oppose awarding it any funds.

RELATED TAGS: ALBANY ALBANY ENERGY ENVIRONMENT HYDROPOWER PUBLIC SERVICE COMMISSION

SCOTT WALDMAN

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Comment 710

SOLIDARITY NOTES

"I hope we shall crush... in its birth the aristocracy of our moneyed corporations, which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country."
—Thomas Jefferson in a letter to George Logan, 1816

OFFICIAL PUBLICATION OF THE SOLIDARITY COMMITTEE OF THE CAPITAL DISTRICT & NEW YORK SOLIDARITY

Solidarity Committee of the Capital District & New York Solidarity ■ 33 Central Avenue ■ Albany, New York 12210 ■ (518) 673-2602

Solidarity Committee of the Capital District Meeting
The meetings of the Solidarity Committee are held at 7:30 pm **on the second Thursday of each month** at the Social Justice Center, 33 Central Avenue, Albany, N.Y. 12210.

DECEMBER 2013

THANKS!

The Solidarity Committee thanks everyone who helped make the 30th anniversary dinner a success, namely Fred Pfeiffer, Doug Bullock, Susan DuBois, Tom Ellis, and all those friends and fellow workers, who attended, contributed, bought journal ads, brought a dish to the pot luck, or just honored us with their presence.

A special thanks to Chris Townsend, national political and legislative director for the United Electrical, Radio, and Machine Workers of America, who has spent the past two decades riding herd on the politicians and lobbyists who make up the supposed law-making body of the U.S. Congress.

He recalled the early years of the Solidarity Committee (of which he was a hard-working part), and gave his assessment of the state of the union movement at this time.

Off to a slightly late start, the program rolled along smoothly, with speeches and musical selections, right up until the 7 p.m. closing, with a rousing chorus of "Solidarity Forever," sung by—who else?—the Solidarity Singers, who closed out the program with a number of labor and other songs of the people. Earlier in the program, there were songs by Terri Robyn, a local folk singer.

Scheduled to speak was Assemblyman Phil Steck, but he was called to Washington for a meeting and sent his staffer, Thad Rutherford in his place. Also in attendance was State Senator Neil Breslin, without whose skill at the grill, no Solidarity Committee Labor Day Picnic and Celebration would be the same.

Rep. Paul Tonko was there, with many good words for the work of the Solidarity Committee and bearing a proclamation from the U.S. House of Representatives, noting the committee's 30 years of struggle and service.

See the next column for the text of the Proclamation.

The Proclamation

United States House of Representatives
By Congressman Paul D. Tonko
October 19, 2013

WHEREAS, the community recognizes organizations which are dedicated to the betterment of our society; and

WHEREAS, said organizations are assets beyond remuneration and cannot be sufficiently extolled, but whose services can be celebrated; and

WHEREAS, the Solidarity Committee began in November 1983, when, in the midst of a bitter strike by members of the Amalgamated Transit Union against the Greyhound Company, union members organized a Strikers Support Committee, and helped turn the tide in labor's favor; and

WHEREAS, after the settlement of the strike, Albany union activists, determined to continue this successful mobilizing effort, renamed the strike support committee the Solidarity Committee of the Capital District; and

WHEREAS, a volunteer organization, the Solidarity Committee works to ensure Labor Day, May Day, and the Martin Luther King Holiday are observed each year, and contributes regularly to calls of support for worker and human rights; and

WHEREAS, in 2013, the Solidarity Committee celebrates its 30th anniversary, a testament to the great need in the community that they so admirably fill; now, therefore, be it

RESOLVED, that, as a duly elected Member of the United States House of Representatives, I hereby do commend the

SOLIDARITY COMMITTEE OF THE CAPITAL DISTRICT, on the occasion of its 30th Anniversary.

(Signed)
Paul D. Tonko, Member of Congress

"Next American Revolution" To Be Screened In Albany Nov. 23

Although there has been no shortage of commentary about the structural crisis plaguing the American economic and political system, analyses that offer practical, politically viable solutions have been few and far between.

The film, "The Next American Revolution," (2013, 47 minutes) is such a film and it will be shown at 7:30 p.m. Saturday, Nov. 23, in Channing Hall of the First Unitarian Universalist Society of Albany, 405 Washington Ave., Albany.

This illustrated presentation from historian and political economist Gar Alperovitz is a rare and stunning exception. Pointing to efforts already underway in thousands of communities across the United States—from co-ops and community land trusts to government initiatives—Alperovitz shows how bottom-up strategies can work to check monopolistic corporate power, democratize wealth, and empower communities. Professor Noam Chomsky, praising this documentary, has declared: "What Gar is talking about is not reform?—it's revolution."

The film showing is part of the Solidarity Committee's annual film series and is co-sponsored by Bethlehem Neighbors for Peace and Upper Hudson Peace Action. Admission is free and the Honest Weight Food Co-op will provide free refreshments. It is open to the public and everyone is invited to attend.

TIMES ENDORSES TPP

This, from the Electronic Frontier Foundation, Nov. 8, 2013: "How Can the New York Times Endorse an Agreement the Public Can't Read?"

"The *New York Times*' editorial board has written what amounts to an endorsement of the Trans-Pacific Partnership (TPP), even as the actual text of the agreement remains secret. That raises two distressing possibilities: either in an act of extraordinary subservience, the *Times* has endorsed an agreement that neither the public nor its editors have the ability to read. Or, in an act of extraordinary cowardice, it has obtained a copy of the secret text and hasn't yet fulfilled its duty to the public interest to publish it." ❖

Wishing the Joys of the Season to all and Peace in the New Year.

THANKS TO: Public Employees Federation for printing Solidarity Notes and to the Social Justice Center for our office and meeting room.

710-01

710-01: The December 2013 issue of *Solidarity Notes*, official publication of the Solidarity Committee of the Capital District and New York Solidarity, was received and entered into the project record.

Five Acquitted Of Charges After Blocking Drone Base Near Syracuse

Five Catholic Worker activists were acquitted in the early evening of Oct. 24, of disorderly conduct charges for blocking earlier this year the main entrance to Hancock Air Base, home of the 174th Attack Wing of the Air National Guard, Syracuse, New York.

Hancock is a Reaper drone hub whose technicians pilot weaponized drones over Afghanistan.

The five went "pro se," (defending themselves) in the De Witt town court of Judge Robert Jokl.

In his closing statement Fr. Bill Picard said, "We pray for you, Judge Jokl, to have the courage to do the right and courageous thing."

After the verdict was announced, the district attorney objected, and the judge said to him that he hadn't found "mens rea," Latin for "guilty mind." The five defendants, with powerful eloquence, convinced the judge that their intent was to uphold, not break, the law. This acquittal marks a major breakthrough by those who have sought to strengthen international law, and stop U.S. war crimes, including extra-judicial murder by the illegal drones.

Defendant Carmen Trotta said, "We are happy to be part of a groundswell of opposition to the drones What a joy to win such a verdict on what is officially United Nations day. We told the judge that we were not alienated citizens, but rather engaged citizens! Ultimately it seems he was moved by our consciences."

Carmen noted the recent groundswell included Human Rights Watch, Amnesty International, the Bureau of Investigative Journalism, and the head of the Jesuits Order, Alfanso Nicolas, UN Special Rapporteur Mr. Emmerson, and the Nobel Peace Nominee, the young Pakastani girl shot for promoting education for women and girls, in Pakistan, all of whom have condemned drone U.S. drone strikes.

Defendant Linda LeTendre stated, "My hope is that dissent is once again welcome in the US and we turn away from killing to caring as a country."

Ellen Grady stated, "We pray and will continue to act that the children of Afghanistan, Pakistan, Somalia, Yemen, and all countries will some day soon be without the terror of drones or any wars!"

The five are: Fr. Bill Frankle-Streit of Virginia; Linda Le Tendre of Saratoga Springs; Ellen Grady of Ithaca; Carmen Trotta of New York City, and Fr. Bill Pickard of Scranton, Pa.

Following is their statement at the time of the action at Hancock Air Base, the Ash Wednesday Statement, Feb. 13, 2013:

"We come to Hancock Airfield, home of the National Reaper Drone Maintainence and Training Center, this Ash Wednesday, to remember the victims of our drone strikes and to ask God's forgiveness for the killing of other human beings, most especially children.

"The killer drone strikes and the US's killer drone policies have taken the lives of thousands in a number of countries, such as Afghanistan, Pakistan, Yemen, Iraq and Somalia. These strikes are illegal and immoral. Under international agreements, which the U.S. has signed, the killing of civilians, extra-judicial murders, violations of national sovereignty, and violations of due process are all illegal acts.

"We come to Hancock Airfield this Ash Wednesday to repent for the actions of our government and to ask God's forgiveness and the forgiveness of the people we daily terrorize with these drones.

"We remind ourselves that our lives are brief and mysterious, and that 'from dust we were created and to dust we shall return!' The significance of our brief animation is the degree to which we love one another.

"Lent is a time to repent –literally, to change our minds. It is a time to remind ourselves of Jesus' command to love our neighbors and our enemies. It is a time to remind ourselves of Jesus' radical, non-violent message of love.

"Stop the Killing. Ground the Drones. STOP the Wars." ❖

Firefox OS For Activists

–By ERIC LEE, LabourStart

Back in 1993 I was asked to look into how unions were using computer networks and email. The result was my 1996 book on the labour movement and the Internet—and after that, LabourStart.

Twenty years on and I've been looking into how we in the trade union movement use the new communications tools—smartphones and tablets—and the result is a new book I've just co-authored with Jeremy Green, "Firefox OS for Activists."

Firefox what?

Chances are you've heard of the iPhone and iPad, and probably Android phones and tablets too. Maybe you even own one of these devices.

You may even know about Blackberry and Microsoft phones and tablets-though they haven't made much headway in the fight against the two giants, Apple and Google.

Firefox OS is part of a new breed of alternative, open source mobile operating systems that aim to take on the big corporations. It's been created by the non-profit Mozilla Foundation and in our view, it's a very big deal.

Firefox OS phones are already available for sale in a number of countries (Spain, Germany, a few Latin American countries) and will soon be available where you live.

They're extremely cheap, and making apps that run on them is cheaper and easier than doing them for Apple and Android products.

Firefox OS is part of a broader open source revolution that includes such things as the Ubuntu Touch project, and even Fairphone, the first attempt to create an "ethical" mobile phone that, among other things, respects workers' rights.

You can read more about our book, see the full table of contents, and even read a sample chapter here: http://www.labourstart.org/firefoxos

I hope you'll find it of interest and will order copies for yourself and your union. Remember that every copy you purchase helps LabourStart's campaigning activities. ❖

(***Editor's note:*** Eric Lee started www.labourstart.org in 1996, as a follow up to his book. It carries news of workers and unions around the world, every day.)

The next Solidarity Committee meeting is
Thursday, Dec. 12 at 7:30 PM
Hope to see you!

SOLIDARITY NOTES
John Funiciello, Editor
Susan DuBois, Treasurer Diane Maguire, Layout
Thanks to the Mailing Committee For November 2013 Issue
Larry Widner Peter Cookson Jon Flanders
Tom Ell's Dorothy Tristman Fred Pfeiffer
Gordon McClelland Susan DuBois Doug Bullock
John Funiciello

Cuban Professor To Speak In Albany

Dr. Evarina Deulofeu, a University of Havana professor of epistemology and popular education, will speak in Albany at 7 p.m. Wednesday, Nov. 20, 2013, on "Progress Toward Equality: Lessons from Cuba's Struggle against Racism, Sexism and Homophobia."

She will discuss these struggles in today's Cuba, providing a historical context.

The program will be held at the Touhy Forum, Lally Building, College of St. Rose, 1009 Madison Avenue, Albany. ❖

GE Continues Tax Avoidance

--By FRED PFEIFFER

An article in the Oct. 23 Times-Union's business section was entitled: "GE Sues for PCB Facility Tax Cut," and reported that the General Electric Company is trying to reduce its property taxes on the Fort Edward plant from $2.7 million to $50,000 per year by reducing the assessed value of the 110 acre facility from $73 million to $1.1 million! Nothing like kicking the Fort Edward community when they are down.

In Schenectady in the 1990s we had the same continuing issue of GE suing to lower its assessments even by tearing down good manufacturing buildings to accomplish this. The tax law is flawed, as companies do not pay on equipment value, or replacement value, just building assessed value. We started a labor community group Schenectady County Citizens Fair Tax Committee of which Solidarity was a part, which opposed the reduction. Elected officials are usually pressured into settling accounts to avoid past tax claims and settle on the tax for their budget line. They eventually lose their tax base.

One of the things we suggested to the city was for Schenectady to buy the GE property at GE's assessed value and then lease it back to them as a revenue enhancer. We took a 3-foot by 6-foot check made out to GE with the suggested assessed value and presented it to the City Council at their meeting to make our point! The reduction hurt the community and school district. Of course, GE would then donate a pittance to a school project to court favorable public opinion.

In Albany when they did this at the Twin Towers Building, where GE held the mortgage through its financial wing, we measured the square foot amount and then multiplied by the construction standard costs for a replacement building, which was way above the assessed value.

However the tax rules rely heavily on recent comparable sales (see above), which of course there are few to none in smaller cities and communities. At the time a story from the Jan. 3, 1995, Schenectady Gazette quoted John Funiciello, Chairman of the Solidarity Committee as saying: "The city and the schools have to make up this loss someplace…they have to go after other taxpayers in the community. This certainly has to be the homeowners. We have to look at who pays for services. We hope UE #332 can use this additional threat to up the fight against GE closing of their plant. ❖

Co-Op Workers From Mexico Hosted By UE's Northeast Co-Ops

--By ROBIN ALEXANDER

From the 13th to the 22nd of October, cooperatives from the Northeast Region of the United Electrical, Radio and Machine Workers of America (UE) hosted representatives from co-ops from the Authentic Workers Front (FAT).

The group included Enrique Lazcano, the elected representative of the Social Economy Sector of the FAT and himself a member of both a beer and a construction co-op; Alma Contreras Torres, the secretary of the Housing Commission for the statewide union, SITEM, that is developing a ecologically sustainable 200 unit housing cooperative for members in the state of Nayarit; Isaías García Izquierdo, the general accountant of a 26 year-old credit union in Saltillo and also the elected representative of the group of young people within the FAT, and Gabriela Manjarrez, a founding member of the bicycle messenger and repair co-op, Bicicooperativa Urbana, and also a silk screen artist in Mexico City.

They were accompanied throughout the trip by Elizabeth Jesdale, president of the union that represents workers at the Hunger Mountain Food Co-op in Montpelier, Vermont (UE Local 255) and Robin Alexander, UE's Director of International Affairs.

In addition to exchanges with co-ops throughout Vermont and Massachusetts and presentations in Burlington and Boston in connection with New Economy Week, they participated in UE's Regional meeting in Glens Falls where they participated in a workshop on co-ops. One of the highpoints of the trip was the demonstration in front of the General Electric plant in Fort Edwards, NY.

Alma Contreras Torres was moved by the solidarity shown by a wide range of different union and community supporters: "It is gratifying to know that we share the ability to be united with others in actions and mutual support, especially in difficult times.

"It is motivating and inspiring because it demonstrates that although we are of different nationalities and speak different languages we coincide in our belief in unity, cooperation, solidarity, honesty, and the commitment to struggle in defense of our labor rights and for a decent standard of living. And this, sisters and brothers, is a universal language." ❖

Fund-Raising 30th Anniversary Solidarity Dinner A Success

The numbers were not all in at press time, but it appears that the Solidarity Committee cleared more than $4,000 from the Oct. 19 pot luck dinner and celebration of the committee's 30 years of struggle, fight, and service to all working women and men.

Our outstanding event, according to Susan DuBois, treasurer, the income was $4,822.50, of which $3,157.50 was journal ads and $1,665 was from ticket sales. The expenses totaled $873.97, with the biggest expenses being food and rental of the hall.

In addition to what we spent to put on the event, we had contributions in the form of PEF's printing of the event journal, a $100 gift card from Honest Weight Food Coop, bread from Rock Hill Bakehouse, and the food that numerous people brought to the dinner.

According to Fred Pfeiffer, who was the driving force behind the 30th anniversary event, there is some additional money to come from ads, with a few other, small expenses.

Again, thanks to all who participated or contributed. ❖

• We all live under the same sky, but we don't see the same light.

Mystery Of Gompers' Labor Book In Solidarity Auction

--By FRED PFEIFFER and PAUL TICK

When I was going through my labor book collection, I decided it was time to share the 1920's two-volume autobiography of Samuel Gompers. I put it aside, not remembering how I came in possession of the first edition book.

Last weekend (just before Solidarity's 30th dinner), Solidarity supporter Paul Tick after reading the Notes sum-up of our silent auction reminded me. This is the story from Paul about how received the books:

"In 1982, I lived in Israel for five months. I was creating a photographic essay on Palestinian and Israeli life. I lived in Israeli towns, on a Socialist-Zionist kibbutz and in a Palestinian village of 600 people, all of one extended family.

"To the village there was one dirt road and in the village there was one generator for electricity for a few hours each day. Bread was baked in a communal oven. I think there was one black and white TV.

There was a teacher in the village who was about my age and he spoke very broken English. I knew no Arabic but

*--See **Gompers' Labor Book** on Page 5*

Government Shutdown Brings Polling Changes

A Wall Street Journal-NBC poll that was released October 10, 2013, and distributed on the Internet by www.democraticunderground.com, shows some significant changes in the opinions of Americans, who placed increasing blame significantly on the GOP. Following are some of the numbers:

70 percent: The number of people who say the GOP is putting politics ahead of what's good for the country.

53 percent: The number of people who blame the GOP for the shutdown versus 31 percent who blame President Obama.

24 percent: The number of people who have a favorable opinion of the GOP, the lowest number in the history of this poll.

42 percent: The amount that support for President Obama has gone up since the shutdown began.

+7 percent: The amount of support for Obamacare (the Affordable Care Act) since the shutdown began.

52 percent: The number of people who think government should do more, not less, to solve problems, up 4 percent since June 2013. ❖

New APWU President Calls For A "Grand Alliance"

NOV. 7, 2013—In an impassioned speech before more than 1,000 union members, the newly-elected president of the American Postal Workers Union, Mark Dimondstein, issued a call for a "grand alliance" to save the USPS as a public postal service and to protect postal jobs.

"Writing to Congress is important," he declared, "but it is not enough. Lobbying for legislation is important, but it is not enough." To succeed, postal workers must build a movement, he said.

"When the Flint sit-down strikers occupied a General Motors plant in the 1930s, labor law reform was won. When women took to the streets to demand the right to vote, they won. When courageous civil rights workers fought segregation with sit-ins and boycotts, the 1964 Civil Rights Act followed," Dimondstein said.

"History shows that movements move Congress. Movements create legislative victories, not the other way around," he said.

"We must build a grand alliance between the people of this country and postal workers," he proclaimed. "We must mobilize our allies and their organizations, including seniors, retirees, civil rights organizations, veterans groups, the labor movement, community and faith-based organizations, the Occupy movement, and business groups in defense of America's right to vibrant *public* postal services," he said.

The labor movement is in dire straits, Dimondstein acknowledged. "Anything that stands for the public good – public libraries, public education, public utilities, public transportation and public postal services—is under severe attack, as are public workers and our unions."

But postal workers are not alone, he said. Public workers in Wisconsin stood up and fought back, he noted. "Wal-Mart workers are stirring. Fast food workers are demanding a living wage."

"A revitalized labor movement is indeed possible," he declared, as he urged union members to join together to defend a public Postal Service and good union jobs.

Eighty APWU national officers were sworn in on Nov. 7. Their three-year terms began Nov. 12. ❖

Petition To Prosecute Murder Of Rights Advocate In 1985

Jewish Voice for Peace (JVP) is demanding that U.S. Attorney General Eric Holder pursue the 1985 murder of Alex Odeh, as he opened the door of the Southern California Regional Office of the American-Arab Anti-Discrimination Committee (ADC), because, to date, no one has been charged, although three suspects were immediately identified.

On the morning of October 11, 1985, in the city of Santa Ana, California, a pipe bomb exploded as Alex opened the door to the Southern California Regional Office of the ADC. Shortly after, he was pronounced dead at the local hospital. The explosion injured seven other people and demolished the office.

According to JVP, the FBI identified the murderers almost immediately after the attack, and an FBI spokesman also named the Jewish Defense League (JDL) as the organization behind Alex Odeh's murder. The JDL has been designated by the FBI as a right-wing terrorist group and by the Southern Poverty Law Center as a hate group.

Yet, 28 years have passed and there has been no further investigation or building of a case against those who were suspected of the murder. On the day of his murder, he had been scheduled to speak at Friday prayer services at a synagogue in Fountain Valley, California.

Born into a Palestinian Christian (Latin rite Catholic) family in Jifna, the West Bank, Odeh immigrated to the U.S. in 1972. He was a lecturer and poet who had published a volume of his poetry, *Whispers in Exile*.

For more information or to sign the petition, contact info@jvp.org. ❖

FOUR DECADES IN THE BOX

The last of the "Angola 3," Albert Woodfox, remains in Angola Prison, the notorious Louisiana prison, and continues to be held in solitary confinement, where he has spent most of 41 years for the murder of a prison guard, a case in which there is no physical evidence that he and two others committed the crime.

The case has been taken up by Amnesty International, which noted that fellow prisoner Herman Wallace was released in October 2013, suffering from advanced liver cancer. He died three days after his release, but he died among family and friends, a free man. His release came about through Amnesty's efforts, along with thousands of members and supporters.

All three were in prison for conviction of armed robbery. The third was Robert King, who was released after 29 years in solitary confinement, when his conviction was overturned. Woodfox is seeking release from both his 6-½ foot by 9-foot box and Angola, after his conviction was overturned. Amnesty is calling on Louisiana's attorney general not to appeal the decision. Woodfox has had his conviction overturned three times.

In October, Amnesty delivered petitions to Louisiana authorities, demanding that Woodfox be released from solitary confinement, in preparation for his release from prison.

For more information and to become involved in the organization's attempt to eliminate the inhumane use of solitary confinement, contact Amnesty at www.amnestyusa.org. ❖

29.8 Million In Slavery; India Is The Top Nation

Many people think slavery was abolished years ago, but there are more people living in slavery today than the total number of people taken from Africa to America in the vast trans-Atlantic slave trade between the 17th and 19th centuries, according to Walk Free. *

The non-governmental organization (NGO) is dedicated to ending slavery globally, but the group points out that there are 29.8 million slaves in the world and they are not all in the poorer countries. Slaves are found in most countries, and "even a single person is one person too many," the group said. There are children as young as five or six years of age who are enslaved.

According to an October 2013 CBS News report, "The Global Slavery Index 2013, the first major study of its kind, has found there are slaves in 162 countries, including the United States, Canada and Western European nations.

--See *Slavery* on Page 5

Starbucks Fights Union Organizing In Chile

The International Trade Union Confederation (ITUC) said in late October that it is "extremely concerned" about Starbucks refusal to consider its union workers' demands, saying it could not cover basic benefits to workers such as meals, commuting expenses, sick pay rights, and still remain "competitive."

The majority of workers are young people under 25, ironically referred to by its internal regulations as "partners."

The company was sentenced four times for violation of trade union rights in 2012, and the Chilean Supreme Court has recently upheld an appeal court ordering it to pay a $50,000 fine and to negotiate a collective agreement with the union.

It is clear for the ITUC that Starbucks is using all its resources to derail the process of collective bargaining and, through intimidation and direct retaliation, discourages workers from joining the union.

"Workers' rights at Starbucks in Chile deserve to be respected as any other rights. Starbucks is claiming everywhere that it is a socially responsible company. It is now time to see it concretely," said Sharan Burrow, ITUC General Secretary.

To show your solidarity, you can take action on http://act.equaltimes.org/en/starbucks and tell Starbucks to negotiate in good faith with workers in Chile.

The ITUC represents 175 million workers in 156 countries and territories and has 315 national affiliates. ❖

Letter to Editor

People And Workers, Unite!

American history has been taught incorrectly.

We hold these ideals that all men and women are equal in America. People are not treated equally under the law.

We hear politicians and radio stations saying that America is a democracy. Why did Benjamin Franklin say to a woman that the people have formed a republic? I hope we can keep it.

There are two documents that share the creation of the United States. These documents are the Declaration of Independence and the Constitution.

How was America created in reality? It was based on bondage and slavery. These were indentured servants and slaves.

It is the people that have to heal America. Our government is broken. The government is of the people, by the people and for the people.

KENNETH B. WILLIAMS, JR.

Lecture On Peace In The Middle East By Khalidi

Rashid Khalidi, the Edward Said Professor of Modern Arab Studies at Columbia University, will speak about his new book, *Brokers of Deceit: How the U.S. Has Undermined Peace in the Middle East*, at 7 p.m. Thursday, Nov. 21, in Room 200, at Albany Law School, 80 New Scotland Ave., Albany.

The editor of the Journal of Palestine Studies, Khalidi will be welcomed by Albany Law School Dean Penny Andrews and introduced by Rabbi David Gordis, past president of Hebrew College.

Sponsors of the event include the Solidarity Committee of the Capital District, Women Against War, the Palestinian Rights Committee, the Albany Chapter of the National Lawyers Guild, and the Muslim Solidarity Committee. The event is free and open to the public.

For more information, contact Gene Damm, at gdamm@nycap.rr.com or 518-465-5425. ❖

All Is Not Well For European Youth

In the European Union (EU), the world's largest trade bloc, about 5.5 million persons under 25 are unemployed—that's 23.3 percent of that demographic.

If world economies go as they have been, the EU, the U.S., and other developed economies could be facing more than uncertainty. The effects of so many millions of young people could be, well, explosive.

At the end of October, the Associated Press reported, Aung San Suu Kyi, opposition leader to the dictatorship in Myanmar (Burma), said as much. "Youth unemployment is a time bomb," she said.

The Nobel Peace Prize winner was in Brussels to seek European help in leading her country out of high debt and decades-long dictatorship.

Corporate leaders in the EU want the nations to rise out of the doldrums by making labor laws "more flexible" and by making it easier to hire and fire workers, while unions have pointed out that such actions have resulted in lowered wages and contracts that do not offer the security needed for the working populace.

Even though politicians see information technology as the coming area of employment and note that there will be hundreds of thousands of such jobs in the near future, some EU nations are encouraging a return to farming, including Portugal and Greece, which provides subsidies and training for those who want to work the land. Many of those who are taking up the offers have varying degrees of higher education, according to A.P. ❖

Gompers' Labor Book... (Cont'd. from Page 3)

close bonds developed between many of the villagers and myself. At one point, a teenage boy brought me two books as gifts. The books were a somewhat worn, two volume set first edition, of Samuel Gompers' autobiography.

"As there was no common language between us, I never could learn what prompted this gift. I could not learn what these English language books of labor history, published in the United States of America in the early 1900s were doing in a Palestinian village where no one spoke English, and visitors were extremely rare. I never found out.

"Some years later I moved to Albany. I decided that I had too many material things that I was holding on to but not really using. I met Fred Pfeiffer and, knowing of his involvement in the labor movement, I gave the books to him as a little gift.

"Over time, I had long since forgotten about them. A few weeks ago, I read in Solidarity Notes that Judge Duggan was at the Solidarity Labor Day picnic and in the silent auction he bid on two books that reminded me of the ones I gave to Fred. I immediately knew where the books came from.

"When I run into Fred at the wedding of a mutual friend, I told him that I knew where those books came from. Fred had himself forgotten how he had gotten the books. I jarred his memory a bit and we confirmed were the ones that did, in fact, travel from the tiny Palestinian village to my hands and to the U.S., to Fred's hands and his labor library and now into the hands of Judge Duggan.

"I like to imagine that my friends from the village would be pleased to know how this gift has since traveled. Congratulations to Judge Duggan on winning these little treasures. Congratulations to the Solidarity Committee for 30 years of outstanding and unselfish work. ❖

Slavery... (Cont'd. from Page 4)

The study, in enumerating the kinds of slavery, includes, debt bondage, human trafficking, forced labor, forced marriage, and child labor. It amounts to 2-4 percent of the labor market in some industries.

The top 10 slave countries and the number of slaves are: India, 13,956,010; China, 2, 949,243; Pakistan, 2,127,132; Nigeria, 701,032; Ethiopia, 651,110; Russia, 516,277; Thailand, 472,811; Congo, 462,327; Myanmar, 384,037, and Bangladesh, 343,192. These 10 countries account for 76 percent of the 29.8 million who are enslaved in the 162 countries where slavery was found.

For more information in the fight to end slavery, visit www.walkfree.org.

* *Source: International Labor Organization*

Fracking Corporations Are Facing Global Opposition

Wherever they go, giant "energy" corporations—oil, gas, coal—that are facing growing opposition to their attempts to "frack" for oil and gas, because of the destructive power of the method of extraction.

Using the method, hydrofracturing or fracking, energy companies drill 5,000 to 10,000 feet into shale formations, then they drill horizontally to maximize their take of oil or gas. They then inject a mixture of water, sand, and chemicals under high pressure to open fissures in the shale formation to release the gas or oil from the rock.

The chemicals are toxic, although they make up a small percentage of the water (they use good, potable water and render it toxic in the process), radiation is released from the rock formations, and gas escapes into the environment. There also is a concern about such drilling causing earthquakes.

CorpWatch noted recently that Chevron is facing strong opposition to their fracking enterprise in Bulgaria and elsewhere in Eastern Europe, where petroleum companies apparently felt that economic stress there would make them embrace anything, however damaging or destructive to the environment, but the people are not buying it.

Opposition is building in South America and elsewhere. The people in Argentina are organizing to oppose the agreement between YPF, the national oil company, and Chevron. France has banned fracking throughout the country and there is strong opposition building in England.

The lure of big money is hard to resist, especially in the Southern Tier of New York, where farming and small industry have all but disappeared. For the small farms, the idea that the money from fracking wells on the land will save the farm has caused many farmers to sign leases, just so they might not be the last generation on that land. Many farmers, when they see the probable destruction and damage of the whole process, want to get out, but it's a tough thing to do. The money is all on the other side.

The so-called energy companies have done this in other countries, as well. Wherever there is economic distress, they can be found, telling the people of all of the wealth that will be theirs, if they just allow fracking. Even the stressed economies of Eastern Europe are building strong opposition to fracking corporations, because they know that their farmland and water are more important than short-term payoffs. They can't eat the gas or oil, but they surely need the food that they grow on the land. ❖

Garson: No Worker Recovery; Unemployment Still High

–By TOM ELLIS

Barbara Garson spoke Oct. 25 at a James Connolly forum about "Down the Up Escalator: How Capitalism is Creating Bad Jobs After the Great Recession."

Barbara has written plays including the very successful, *Macbird*, and four non-fiction books about workers, automation, and capitalism. The books are *All the Livelong Day: The Meaning and Demeaning of Routine Work; The Electronic Sweatshop: How Computers are Transforming the Office of the Future into the Factory of the Past; Money Makes the World Go Around: One Investor Tracks Her Cash Through the Global Economy; and Up the Down Escalator: How the 99 Percent Live in the Great Recession.*

She began saying from 1971-2007, labor productivity in the U.S. rose 99 percent while wages—I assume she meant wages adjusted for inflation—increased only 4 percent. Thus corporate profits were high. With long-term wage stagnation, business leaders figured the way to sustain consumer sales growth (70 percent of the economy) was to lend workers the money to buy what they could otherwise not afford, and eventually, to knowingly lend to people who could not possibly pay it back. The lenders did not care about the credit-worthiness of their customers because they quickly sliced, repackaged, and sold the loans they owned.

She spoke about one terrified woman she met who owned a fully-paid-for home but, who, after succumbing to a barrage of loan solicitations, mortgaged her home to help her two children purchase homes of their own. After her son died, she could not pay her own mortgage, and, on the day Barbara met her, was on the verge of being evicted.

Barbara said the recession that began in 2008 is different than earlier ones in that many workers have not recovered at all, unemployment rates remain high, and few workers have enjoyed real wage growth.

Several times she said capitalism is very resilient and may remain so. She is unsure if capitalism can survive and thrive in a future world where people scale back their use of resources—if total global resources use levels off and/or declines—which may eventually occur, and wonders if capitalists can earn the high profits they desire via re-mediating pollution.

During the question-and-answer period, Nancy Wallace said young people today need to be told it is not their fault they are not enjoying the successful careers and prosperity they thought "doing everything right" would lead to. "The system is rigged against them," she said.

Nancy also said she wonders if a friend got it right, when, instead of financing his children's college education, he bought each a home. ❖

Swiss Like The Idea Of A Basic Income For All Adults

As Americans stand around wondering what has happened to the large "middle class" that once existed, the Swiss are taking action that could further reduce their income inequality. The following comes from Reuters, the Britain-based news service, Oct. 4, 2013:

Switzerland will hold a vote on whether to introduce a basic income for all adults, in a further sign of growing public activism over pay inequality since the financial crisis.

A grassroots committee is calling for all adults in Switzerland to receive an unconditional income of 2,500 Swiss francs ($2,800) per month from the state, with the aim of providing a financial safety net for the population.

Organizers submitted more than the 100,000 signatures needed to call a referendum on Friday and tipped a truckload of 8 million five-rappen* coins outside the parliament building in Berne, one for each person living in Switzerland.

Under Swiss law, citizens can organize popular initiatives that allow the channeling of public anger into direct political action. The country usually holds several referenda a year.

In March, Swiss voters backed some of the world's strictest controls on executive pay, forcing public companies to give shareholders a binding vote on compensation.

A separate proposal to limit monthly executive pay to no more than what the company's lowest-paid staff earn in a year, the so-called 1:12 initiative, faces a popular vote on November 24.

The initiative's organizing committee said the basic income could partly be financed through money from social insurance systems in Switzerland.

The timing of the vote has yet to be announced, pending official guidance from the government. (Reporting by Denis Balibouse, writing by Alice Baghdjian, editing by Gareth Jones. ❖

** A rappen is worth about 4.3 U.S. cents*

Come early to the next Solidarity committee meeting to help with the mailing of the newsletter. It will be appreciated!

Acting with Impunity: The Case of General Electric

--By LARRY WITTNER

Can the world's biggest corporations act with impunity? When it comes to General Electric (GE)-the eighth largest U.S. corporation, with $146.9 billion in sales and $13.6 billion in profits in 2012—the answer appears to be "yes."

Let us begin with a small-scale case in upstate New York, where in late September 2013 GE announced that it would close its electrical capacitor plant in the town of Fort Edward. Some 200 workers will lose their jobs and, thereafter, will have little opportunity to obtain comparable wages, pensions, or even employment in this economically distressed region. Ironically, the plant has been highly profitable. Earlier in the year, the local management threw a party to celebrate a record-breaking quarter. But the high-level financial dealings of a vast multinational peration like GE are mysterious, and the company merely announced that the Fort Edward plant was "non-competitive." The United Electrical Workers (UE), the union that has represented the workers there for the past 70 years, has already begun a vigorous campaign of resistance to the plant closing, but it is sure to be an uphill battle.

If we dig deeper into the record, a broader pattern of corporate misbehavior emerges. Indeed, the Fort Edward factory is one of two GE plants that polluted the communities at Fort Edward and nearby Hudson Falls, as well as a 197-mile stretch of the Hudson River, with 1.3 million pounds of cancer-causing PCBs for several decades. When the extent of this environmental disaster began to be revealed in the 1970s, GE began a lengthy campaign to deny it and, later, a multimillion dollar public relations campaign to prevent remedial action by the Environmental Protection Administration. GE lost this battle, for the EPA insisted upon the dredging of the Hudson River and ordered GE to pay for it. Thus, the Hudson Valley became the largest Superfund cleanup site in the United States, with a project that will take decades to complete.

GE has produced other environmental disasters, as well. Three GE nuclear reactors at the Fukushima Daiichi nuclear power site in Japan melted down and exploded on March 11, 2011. This was the world's worst nuclear accident in three decades, and quickly spread radioactive contamination nearly 150 miles. Indeed, the stricken reactors are still sending 300 tons a day of radioactive water flooding into the Pacific Ocean. In the late 1960s and early 1970s, when these boiling water nuclear reactors were installed, GE's engineers and management knew that their design was flawed. But the company kept selling them to unsuspecting utilities around the world, including many in the United States. As a result, there are still 35 GE boiling water reactors operating in this country, most of them located near population centers east of the Mississippi River.

Another important product produced by GE is the export of jobs. According to an extensive *New York Times* report on GE in March 2011: "Since 2002, the company has eliminated a fifth of its work force in the United States while increasing overseas employment." By the end of 2010, another study found, 54 percent of GE's 287,000 employees worked abroad.

Responding to GE's claim that it had created thousands of new jobs in the United States during the Obama administration, Chris Townsend, the political action director of the UE, produced a list of 40 U.S. plants the company closed in the country during the same period.

Townsend also noted that, even when GE kept its operations going in the United States, it slashed wages, sometimes by as much as 45 percent at a time. For example, the work of the Fort Edward plant will be moved to Clearwater, Florida, a non-union site where GE pays many workers $12 an hour and hires others through a temp agency at $8 an hour-little more than the minimum wage.

Although technically a U.S. corporation, GE—with operations in 130 nations—apparently feels little loyalty to the United States. Jack Welch, a former GE CEO, once remarked: "Ideally, you'd have every plant you own on a barge to move with currencies and changes in the economy." According to a Bloomberg analysis, to avoid paying U.S. taxes, GE keeps more of its profits overseas than any other U.S. company -- $108 billion by the end of 2012. Thanks to this tax dodge and others, GE reportedly paid an average annual U.S. corporate income tax rate of only 1.8 percent between 2002 and 2011. In 2010, when GE reported worldwide profits of $14.2 billion, it paid no U.S. corporate income tax at all. Instead, it claimed a tax benefit of $3.2 billion.

Despite this appalling record, the U.S. government has been very generous to GE. During the financial crisis of 2008-2009, the federal government's Temporary Liquidity Guarantee Program loaned approximately $85 billion to GE Capital, the company's huge finance arm. GE needed the bailout because, among other reasons, GE Capital was marketing subprime mortgages. The Federal Reserve also bought $16.1 billion worth of short-term corporate IOUs from GE in late 2008, when the public market for this kind of debt had nearly frozen. In yet a further indication of GE's influence, President Obama appointed Jeffrey Immelt, GE's CEO, as chair of his Council on Jobs and Competitiveness, which strategizes about how to revive America's manufacturing base. One of Immelt's favorite panaceas is to end taxes on the overseas profits of corporations.

Thus, it might seem that those 200 embattled workers at Fort Edward have no possibility at all of effectively challenging a corporation this wealthy and influential. But stranger things have happened in the United States—especially when Americans have had their fill of corporate arrogance. ❖

ITUC Proposes New Structure For Union In The Arab Region

The International Trade Union Confederation (ITUC), meeting in Brussels in October, endorsed the process of creating a new structure for the Arab countries, with the founding instruments to be submitted to the Third ITUC World Congress in Berlin, for adoption in conformity with the global organization's constitution.

Seventeen national trade union centers from the region submitted the request. Included are Algeria, Bahrain, Egypt, Libya, Jordan, Mauritania, Morocco, Oman, Palestine, Tunisia, and Yemen.

Considering the grave challenges which face the democratic and independent trade union movement in the Arab world and the urgent need to respond to these, the General Council gave its support to this new ITUC structure, which will give immediate priority to tackling frequent and massive violations of fundamental liberties, including trade union rights, to defending workers in the context of growing poverty and unemployment and to fighting against social injustice, which particularly affects women, young people and the poorest, including migrant workers.

ITUC General Secretary Sharan Burrow welcomed the decision, saying "Trade unions are at the forefront of the fierce and long struggle which is taking place across the Arab world, which sets democrats and progressives against authoritarian and retrograde forces. The trade unionists of the Arab World have expressed their urgent need for a specific space to better unify their forces and put in place a common strategy. The ITUC General Council has today expressed its full solidarity with their struggle in favor of democratic, progressive and independent trade unionism in this part of the world."

"This new sub-regional structure will help us project a strong and unified voice in our ongoing struggle to defend and build democratic, progressive, and independent trade unions in the Arab countries," said Houcine Abbassi, General Secretary of the UGTT Tunisia (Tunisian General Labour Union) and Acting President of the new Arab sub-regional structure of the ITUC during its transitional period up to the ITUC Congress. ❖

(***Editor's note:*** Brothers and Sisters, American workers and their unions have found themselves up against their own version of "authoritarian and retrograde forces." Just ask the members of UE Local 332 in Fort Edward, just for one example, not to mention Congress and most state legislatures.)

CEO Pay Soaring, While Workers' Pay Contracts

It's generally known that working men and women's pay has been stagnant for a couple of decades, but corporate pay and, especially, CEO compensation has gone out of sight, with one being paid $2.2 billion for one year.

The annual Global Market Institute's (GMI) annual survey recently listed the top 10 CEO packages and listed only those who made in the billions or at least $100 million.

Heading the list is Facebook CEO Mark Zuckerberg, who was paid $2,278,868,214, according to GMI, which went on to list the other nine:

Richard D. Kinder, *Kinder Morgan Inc.*, $1,116,685,089; Mel Karmazin, *Sirius XM Radio Inc.*, $225,355,676; Gregory B. Maffei, *Liberty Media Corp.*, $254,890,638; Timothy D. Cook, *Apple Inc.*, $143,828,867; Edward W. Stack, *Dick's Sporting Goods Inc.*, $142,052,496; Gregory B. Maffei, *Liberty Interactive Group*, $136,450,484; Howard Schultz, *Starbucks*, $117,562,601; Marc Benioff, *salesforce.com*, $109,544,875, and Frank J. Coyne, *Verisk Analytics Inc.*, $100,432,117.

Greg Ruel, senior research analyst and author of the GMI report, said recently that average CEO pay increased 8.47 percent over the two years, from 2011 to 2012. This year, however, he said, was the first time that two CEOs were paid more than $1 billion in a single year.

GMI has been reporting on CEO compensation for 10 years and, said Ruel, and, for the most part, their shareholders have made money, but, "it's the sheer size and volume of equity awards granted to these top executives that catapults their total compensation to astronomical levels."

Considering the worth of the minimum wage by comparison: According to the Economic Policy Institute (EPI), "When adjusted for inflation, the minimum wage was worth $8.54 per hour in 1968, compared to the current minimum wage of $7.25 per hour. Based on a typical, 2,000-hour work year, the 1968 inflation-adjusted minimum wage would equate to an annual salary of $17,080 per year, versus $14,500 for today's minimum wage."

Such is the sorry state of wages in America, where workers are told, "Be happy you have a job, however low the wage." Fact is, all wageworkers are experiencing the same fate—their incomes are not even as good, adjusted for inflation, as they were in 1968. Let those who believe the rich and corporations pay their fair share of taxes have a look at the numbers and wonder no longer why the U.S. economy is in free fall. ❖

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Shorts...

New Jersey votes minimum wage raise. Voters of New Jersey made the Garden State one of only 18 states with a minimum wage higher than the federal minimum. They set the minimum $1 higher than the federal wage, to take effect Jan.1, 2014, when it will be $8.25. And, they voted to amend their state's constitution to tie future increases in the minimum wage to the rate of inflation. When the legislature in the past voted to raise the minimum, the legislation was vetoed by Governor Chris Christie, who was reelected by a wide margin in the November election. What the...?

Kellogg locks out workers. Kelloggs, the famed cereal company, locked out 226 workers represented by the Bakery, Confectionery, Tobacco Workers and Grain Millers at the end of October, after the union refused to accept the company's last and best offer. What the corn flake company was offering was typical: a two-tier wage system and a cap on what new workers would be paid. It's a divide and conquer strategy by corporations across the country that creates second-class workers under the same contract, ensuring that there will be divisions within the union forever after. The Memphis, Tenn., plant where this happened had been idled for a few weeks and Kellogg had laid off 70 workers a few weeks before the lockout. The BCTGM believes that the company is taking the action against its workers, in a move toward a temporary workforce, one with lower wages, few if any benefits, and without a union.

Republicans don't deserve reelection. A post-government-shutdown CNN Poll determined that 75 percent of those polled say most Republicans in Congress don't deserve re-election. A CNN/Opinion Research Corporation poll, taken the weekend after the 16-day government shutdown ended, showed Democrats with an 8-point advantage over Republicans, but much can change between now and the 2014 midterm elections. A majority of those polled blamed the congressional GOP for the shutdown and said that the president was the bigger winner in resolution of the shutdown.

Sen. Cruz's father: Send Obama back to Kenya. Mother Jones magazine comes through again, with a video clip of Sen. Ted Cruz's father, Pastor Rafael Cruz, telling a Right Wing group that he would like to send the president "back to Kenya." He apparently went on with his fringe fantasy, saying that Obama wants to make the U.S. a "third world country," that "it's all about the global distribution of wealth," and that Obama is "pushing very hard for the United Nations to have taxing authority." The young senator's spokesman said that the pastor "does not speak for the senator." ❖

Comment 711

Tom Ellis
Summer 2013
Climate Action
Albany
1/19/13

Citizens Environmental Coalition

TOXICS IN YOUR COMMUNITY **NEWSLETTER**

CEC 30 years!

711-01

First Time in Human History:

EARTH's ATMOSPHERE REACHES 400 PPM OF CARBON DIOXIDE

(AP Photo/Seth Wenig)

Excess and largely uncontrolled emissions of Greenhouse Gases have led to a situation where dramatic global changes are inevitable, including worsening severe storms, hurricanes, tornadoes, hail, extraordinary heavy rainfall and devastating floods. At the same time, the Southwest U.S has been suffering from severe droughts and wildfires.

Why is this happening? Carbon dioxide and other so-called greenhouse gases trap sunlight at the earth's surface, acting like a greenhouse would. The sunlight raises temperatures and provides more heat energy for storm systems.

Thousands of scientists worldwide told us that we needed to reduce our emissions of greenhouse gases to keep carbon dioxide below 350 ppm or parts per million. We have now exceeded that number. The anticipated impacts of global warming to people and communities are extraordinary and also very expensive, as Hurricane Sandy vividly illustrated (as seen in photo of Atlantic City, N.J).

Why are world governments, especially the United States, not acting quickly and aggressively to rapidly reduce greenhouse gases?

Surely there should be urgency, given the fact that **Billions** of people could be impacted either directly by storms or indirectly as a result of declines in food production, decreased water availability, increased disease, or by the financial inability to recover after a storm event.

Why are we not acting *Now*?

The single answer is Corporations. Powerful corporations, with Exxon Mobil being the **leader**, invested for years in a disinformation campaign to convince the public that global warming was not real. **Exxon Mobil is the original Climate Denier.**

At the same time, corporations in the Energy Sector redefined the real problem -- claiming that instead of excess greenhouse gas emissions, the problem was an insufficient amount of energy. This was an easy message for the public to accept – after all greenhouse gas emissions are invisible, but we use energy every day. We now fight wars related to energy, and our energy companies are engaged in a massive campaign to get us to be energy voters. Fossil fuel companies are behind this effort.

As a result, too many of our elected leaders have also become climate deniers. A few actually believe that we are seeing the effects of global warming, but are so locked into doing the bidding of large corporations that they vote against all efforts to actually reduce greenhouse emissions gas. *Continued on page 5.*

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711-01: The Summer 2013 issue of *Citizens' Environmental Coalition Newsletter: Toxics in Your Community* was received and entered into the project record.

Executive Corner

In the face of what is likely to be a completely inadequate health impact assessment of Fracking by the NYS Dept. of Health, we are working hard to develop sound public health recommendations to protect the public from the serious harm we have already seen in other states. Health professionals have been left out of critically important discussions. We will bring them into the conversation and hold government accountable for any failures in health protection. Until fracking is stopped, we desperately need your donations to ensure we can deliver these needed protections. We need your help to make this a reality. In this year of our 30th Anniversary, will you partner with us to protect public health. New York and all communities where fracking is occurring need to be protected.

Environmental Legislation is critically important this year. We urge all our members to read about the Environmental Super Bills (on p.4) and contact their representatives, particularly their State Senators. The New York Senate needs to stop stalling and blocking bills that relate to environmental protection and public health.

Our nation and our state are heading in the wrong direction on Climate and Energy, being led by greedy corporations in search of ever-increasing profits. Hurricane Sandy had enormous impacts on the state preceded by considerable impacts from Irene. We are still recovering from these events. The Governor is directing the state to deal with emergency preparedness and response, and this is important. However, our state had also done considerable work to address climate change and reduce greenhouse gases by 80% by 2050 before Gov. Cuomo. We believe the Climate Action Plan was the first victim of the plans for Hydrofracking. **The Governor simply could not simultaneously advance Fracking and action on the climate and he chose Fracking.** A state greenhouse gas inventory failed to identify any emissions from existing oil and gas development, putting a zero in the accounting sheet. **Oil and gas development contribute 73% of U.S. methane emissions.**

Yes, it is very tough to reduce GHG emissions by 80%, even tougher when the state's GHG inventory would need to be increased to account for hydrofracking. However, it is essential for New York to be a leader on Climate Change, as our state is particularly vulnerable. A good start would be to extend the moratorium on hydrofracking for another 2 years.

In previous newsletters we also told you that a new Energy Plan would be released in September of 2012. We are still awaiting the delivery of the Energy Plan, but, along with the Alliance for a Green Economy, we have been consistently advocating a Sustainable Energy Future with no new nuclear reactors, a plan to close existing nuclear reactors, no horizontal hydraulic fracturing and dramatic expansion of energy efficiency and renewable energy in the state to displace fossil fuels. Extreme Energy is a focus of this newsletter, as are the corporations that threaten our future and that of our grandchildren. Our future and that of the planet cannot be sustained via extreme energy and the corporations that are recklessly pursuing energy, no matter the human and social costs. Government support and collusion with the energy industries as well as taxpayer subsidies for fossil fuel and nuclear energy are putting us on a path to self-destruction.

We take a look at the myriad ills Pandora unleashed on the world and strongly suspect that many of these ills are directly associated with corporate behavior. We believe Pandora really unleashed corporations. Fortunately, we can see hope in the growing movements of ordinary people in NY, the nation and around the world fighting for justice, the environment and public health. Millions of people are engaged in New York alone. The anti-fracking movement is the largest environmental movement in NY's history.

There is always a need to share Good New and celebrate our victories, in light of our difficult struggles. New Yorkers have a long history of activism; we were leaders in abolishing slavery and in achieving the right to vote for women. We highlight several heroes and heroines in this issue and thank them sincerely for making the world a better place by their actions.

Sincerely,

Barbara J. Warren

Paul Hawken 2009, Commencement speech

"When asked if I am pessimistic or optimistic about the future, my answer is always the same: If you look at the science about what is happening on earth and aren't pessimistic, you don't understand the data. But if you meet the people who are working to restore this earth and the lives of the poor, and you aren't optimistic, you haven't got a pulse. What I see everywhere in the world are ordinary people willing to confront despair, power, and incalculable odds in order to restore some semblance of grace, justice, and beauty to this world."

Pictured here is Jon Travers (CEC's Board Treasurer) and Mike Covey (Volunteer) at Albany's Larkfest 2012. Come out for this year's 2013 Larkfest, September 21st.

CEC Mission

Citizens' Environmental Coalition is New York's leading environmental health organization bringing the grassroots to the statehouse to advocate for safe and healthy communities.

We work with local citizens and groups to reduce toxic chemicals and environmental hazards. We oppose polluting projects and facilities. At the same time we work to advance a positive agenda for a clean and healthy future by supporting projects that advance sustainability in 3 spheres: environmental, social and economic. This includes green purchasing, clean energy, pollution prevention, green chemistry, zero waste and green jobs.

Earth Day in Albany

Earth Day saw hundreds of environmentalists treading the hallways of power urging legislators to support Campaign Finance Reform and Key Environmental Super Bills. (A super bill is one that environmental groups associated with Earth Day Lobby Day support wholeheartedly.)

Environmental Educator & Hero

On Earth Day, Lou Ismay was honored by the NYS Assembly with a Proclamation. He is one of the elder statesmen of the capital region's environmental community, a long-time member of Save the Pine Bush and currently serves on CEC's Board. As a SUNY Albany professor during the late 1960s and 1970s, Lou taught the Environmental Forum course which influenced many career environmental leaders. Lou required each student to come up with a project and carry it through. The course was interdisciplinary and open to other colleges, high schools and community members. Lou developed a list of 200 mentors whom students could work with. Many whistle-blowers from the public and private sector offered Lou tips on projects that needed research.

Senator Cecilia Tkaczyk, right, honors Lou for his work as an environmental advocate

At the first class each semester, students were asked what they wished to learn and then speakers/teachers were sought who could teach it. Students from the prior semester were invited to attend the first class the following semester; they told the new students about their projects and sometimes new students picked up and continued a project, a few for several years as a series of students worked on it. **Lou has said the Environmental Forum "was intended to empower people to perform high quality research, to do something useful for society."** One project led to the first wetlands study of Albany County that became a template. Students researched the General Electric facility in Selkirk for several years, interviewing nearby farmers and tracking each ambulance that was called to the factory. Another student made the first bicycle path through Albany. One student created the first land-ownership map of the Pine Bush. Students went out on Lake Ontario and took air and water samples. Students organized recycling programs on the university campus and cleared trash from the Pine Bush.

TOP Legislative Priorities

Campaign Finance Reform is a Top Priority so we can have leaders who represent the public interest, and not just monied interests.

We really need to make Campaign Finance Reform a Priority!

Senate Republicans are leading the Fight Against Fair Elections in New York State. We really need Campaign Finance Reform. Instead they scheduled a meeting and CLOSED the Doors - violating Open Meetings Law in NY.

Once again, good environmental bills are being held up in the State Senate. The Assembly passes many environmental bills every year, only to have them defeated in the NYS Senate. Call Senator Mark Grisanti and urge him to support these bills, along with your own State Senator.

Call Sen. Grisanti @ (518) 455-3240

Three Super Bills need your help.

1) Child Safe Products Act A.6328A Sweeney/ S.4614 Boyle This bill would Protect NY's Children from Toxic Chemicals. Other states have already taken action to protect children from the most toxic chemicals. New York Kids need the same protection-- especially since kids are still growing and have less ability to eliminate toxic chemicals from their bodies. How does your Senator justify not supporting this bill? It was passed in the State Assembly and referred to the State Senate.

Call your own State Senator and Senator Grisanti and urge them to pass the Child Safe Products Act.

2) Two-Year Fracking Moratorium and a Health Impact Assessment A.5424A Sweeney/ S.4236A Avella

This bill is held up in the Senate Environmental Conservation Committee. Passed in the State Assembly Referred to State Senate.

Tell New York Senate co-leaders Skelos and Klein: Bring the fracking moratorium bill to the Senate floor for a vote.

3) Climate Protection Act: Would reduce greenhouse gases A.6327 Sweeney/ S.735 Avella.

Passed in the State Assembly. The State Senate is considering a different version of bill.

Ask your Senator to support this bill.

4) A Bill to Expand Solar Energy A.5060 Englebright/ S. 2522 Maziarz was passed in both houses. The only Environmental Super Bill to be passed by the NY Senate.

Engage in your State Government!

Hold your elected leaders Accountable for Environmental and Health protection!

Continued from P.1 EARTH's ATMOSPHERE REACHES 400 PPM OF CARBON DIOXIDE

The Real Problem is Corporate Power Obstructing Action on Climate Change

We are now facing a global catastrophe caused primarily by corporations that operate with no ethical or moral standards. Corporations exist solely to make a profit. Weak regulations, weak laws and weak oversight and enforcement all contribute to corporate abuse of the environment, public health, and even our democracy. People and governments need to establish the standards for corporations and enforce them. It should be noted that not all corporations are sociopaths. There is a growing organization of businesses who stand for business integrity -- the American Sustainable Business Council (ASBC). We urge folks to pay attention to what ASBC and its business partners are doing to contribute to a better world for all of us. By failing to have good regulations that are enforced for all businesses across the board, we create an unequal playing field for those businesses that commit themselves to higher ethical standards.

"[We've created] an unequal playing field for those businesses that commit themselves to higher ethical standards"

INCENTIVIES SHOULD BE PROVIDED ONLY FOR THE BEHAVIOR WE WANT TO SEE.

EXTREME Energy

Corporations have now rushed to embrace Extreme Energy. We witnessed Extreme Energy with the BP Gulf disaster, where the technology for deepwater drilling had inadequate safeguards. The early use of dispersants was really a public relations effort, since the first action should be to collect the oil using booms and skimmers. Dispersing it actually prevented the collection of the oil. We ultimately saw a reckless disregard for the environment of an entire region and the people who were exposed to toxins in the oil as well as millions of gallons of very toxic chemical dispersants.

Shell rushed to drill in the Arctic with an obviously, poorly considered plan for this harsh environment, that quickly felled with 2 serious accidents, grounding of ships, explosion & fire, environmental & safety violations, in addition to inadequate oil spill equipment. Shell is not planning to return to the Arctic in 2013.
http://www.nytimes.com/2013/02/28/business/energy-environment/shell-suspends-arctic-drilling-for-2013.html

After learning that horizontal hydraulic fracturing was possible, corporations rushed to drill and fracture in shale rock formations in many states in the US, without making an effort to ensure safety. Their plan to obtain enormous quantities of natural gas had numerous problems:

- Enormous quantities of water used.
- High failure rate for well casings and cement, resulting in contamination of drinking water aquifers that cannot be fixed. This means permanent destruction of a water supply.
- Large quantities of a variety of toxic chemical additives used in the drilling or fracturing process.
- Hazardous constituents of shale formations: heavy metals, salts, and radioactive elements.
- Drill cuttings, a hazardous waste needing disposal but loaded with toxic additives and shale constituents. (NY landfills received 100 million lbs. of drill cuttings in the last 6 months of 2012 from PA. Drill cuttings have triggered radiation alarms at PA landfills.)
- Thousands of gallons of flowback and produced water that cannot be treated and returned to the water cycle via sewage treatment plants because these plants do not treat toxic chemicals.
- Financial expense associated with the need to re-fracture wells and drill in new locations to keep production up.
- Air emissions of volatile organic compounds, hydrogen sulfide, and hazardous air pollutants.
- Natural gas (Methane) emissions due to leakage. Methane is an explosive and powerful greenhouse gas. According to NASA, it has 105 times the global warming potential of carbon dioxide over a 20 year period.

Continued on p. 7

Movie Review

Pandora's Box

This comes from Greek mythology. Pandora was given a box or a jar, with instructions not to open it under any circumstance. Pandora, unable to control her curiosity, opened it, and all the evils contained therein were released to spread over the world. Only one thing remained-- the Spirit of Hope.

Today, the phrase "to open Pandora's box" means to perform an action that may seem small or innocuous, but that turns out to have severe and far-reaching consequences. (Wikipedia)

Coming to a Movie Screen near you, will soon be "**Pandora's Promise**," a curious movie title given the story of Pandora.

Nuclear Power is NOT the Answer!

Pandora's Promise, billed as a documentary, omits key scientific facts in order to advance a pronuclear agenda. Robert Stone, the director, apparently selected his facts and scientists with care, to reflect his own pro nuclear point of view. If you plan to see this film, we recommend going prepared by reading the New Report by Beyond Nuclear, ***Pandora's False Promises***. The press release, the report and a 2 page summary can be accessed here-- http://www.beyondnuclear.org/storage/documents/Pandora%20press%20release.pdf

Not to be Missed Movies on Fracking

Gasland Part II by Josh Fox. Everyone will be anxious to see this new film by Fox, who has become a leader in the anti-fracking movement. Screenings in June in New York.

Bidder 70 is the story of Tim DeChristopher, a college student, environmental activist and another hero, who participated in a Federal auction of land parcels for mineral development in Utah and successfully bid on 24 parcels, hoping to block their development. He was arrested, tried, convicted, and sentenced to 2 years in

prison, even though it was eventually determined that the sale was not legal. His actions actually prevented an illegal act. In recent years, we have jailed too many whistleblowers who expose unwelcome truths, rather than the real criminals. This film testifies to that reality.

URGENT APPEAL ! Public Health Summit to address Fracking FUNDS Needed !

CEC is sponsoring a **Working Summit of Health Experts** in the Fall of 2013, along with Dr. David Carpenter, Director of the Institute for Health and the Environment, SUNY Albany.

In light of the totally inadequate environmental laws and regulations for this industry, the Goal is to Protect the Public and Prevent the Harm associated with Fracking.

Conclusions and Public Health recommendations will address vulnerable populations and will be embodied in a White Paper produced after the Summit.

This work is absolutely necessary to protect the public. Your support is urgently needed to make this a reality. Please consider a special Donation at this time?

To learn more visit our website: www.cectoxic.org

Continued from P.5 Extreme Energy

The oil and gas industry had lots of experience with drilling and well casings. They also knew that horizontal hydrofracking would be far more expensive (2-5 times) than accessing normal reservoirs with vertical wells. The solution for this long list of problems was to obtain multiple exemptions from environmental laws. After obtaining these exemptions, the industry descended on states with a public relations campaign to assure the public how safe this industry would be. It also aimed to bring energy independence and to help with climate change because natural gas produces less carbon dioxide than coal at power plants.

If Hydrofracking was really Safe, the industry wouldn't have needed these Exemptions. If natural gas drilling and fracking were going to lessen climate change, it wouldn't result in emitting huge quantities of methane to the air. If it was about energy independence, we wouldn t be planning multiple liquefied natural gas (LNG) facilities to export to other countries. In 1973 one of the worst industrial disasters ever occurred in NY on Staten Island, at a LNG facility, killing 40 workers.

The SGEIS and the DEC regulations won't protect us – essentially, they were written by the gas industry and its consultants. The consequences of evading the fundamental protections contained in environmental laws will shift the impacts to public health. Rather than dealing with environmental violations, the public will bear the burden of frank health effects – poisonings, organ and neurological damage, cardiac and respiratory problems and even premature death. We are already seeing serious health effects in communities in other states here fracking has been permitted.

Fossil Fuels are also directly linked to the production of an enormous array of chemicals by the chemical industry. Chemical companies are building new plants to enable an enormous expansion of chemical production, as a direct result of the increased natural gas supply, providing us with more toxic chemicals that pervade our environment, exposing our children and future generations to unquantified hazards. Plastics are another unsustainable product created from natural gas, which end up in our landfills shifting the management burden onto the public.

Burdens & Benefits

Who bears the burden of health effects? We do!
Who receives the benefits? The industry does.

Join this effort by calling Governor Cuomo!
Tell Him: Say No to Fracking
(518) 474-8390

Nuclear Energy is another form of Extreme Energy

After producing energy for a few decades, U.S. nuclear reactors have left a mountain of extremely hazardous nuclear waste (currently 70,000 tons of fuel rods), that will be dangerous for millions of years. Nuclear energy is so expensive that, even if reactors did not take a decade to build, they cannot provide a solution for climate change. Fortunately, we have real alternatives available now-- energy efficiency and renewables. Numerous reports have documented the feasibility of rapid movement away from fossil fuels and nuclear simultaneously with the adoption of clean renewables and energy efficiency. To see the list of 120 organizations supporting a clean energy agenda go to http://www.americancleanenergyagenda.org/committee-2/ CEC is a supporting organization.

Continued on next page.

Numerous reports have documented the feasibility of rapid movement away from fossil fuels and nuclear simultaneously with the adoption of clean renewables and energy efficiency.

Continued from P.7 Nuclear Energy

There are numerous advantages to adopting a Nuclear- Free, **Carbon-Free Agenda**--- the public saves money, it creates far more jobs locally and there are numerous immediate health benefits, particularly related to lower emissions of air pollutants. In addition, it reduces the risk of catastrophic nuclear accidents. Although preventing harm is difficult to quantify, reducing the future impacts of climate change provides the most significant long term benefits and cost reductions.

The nuclear industry has adopted the playbook and the antics of the fossil fuel industry to advance its own future, even if that means extending the lives of aging reactors that are in need of a major overhaul, and cannot be made safe, no matter how much money is spent on them. Unfortunately, the Nuclear Regulatory Commission (NRC) has been given exclusive authority over safety, making it very difficult for states and the public to play any meaningful role.

Summary of New Nuclear Developments

- We have a petition along with many other groups to close all the Mark I & II reactors (31) in the US, because they cannot meet the requirement to contain radioactivity in the event of an accident. **The small containment is a flaw in these reactors, known since the 70s.**
- The NRC ruled to NOT require FILTERS on the vents of the Mark I & II Boiling Water Reactors.
  These are reactors like the ones at Fukushima. We have 3 of these reactors in Oswego, NY.
- Filters are necessary in a severe accident because the small containment building cannot withstand the high pressures generated. Filters would then prevent exposing the public to large amounts of radiation. Filters are required in the European Union and now also in Japan.
- Former Chairperson of the NRC, Gregory Jaczko, has called for the Closure of all 104 nuclear reactors in the US because they have safety problems and the current band aid approaches will not be enough.
- **Both San Onofre nuclear reactors will permanently close according to Southern California Edison !!** Located on the California coast in a densely populated area just south of San Clemente, the plants faced both earthquake and tsunami risks.

This is a tremendous Victory for Safety! and for all the folks who worked so hard to achieve this.

NEW Plan for NUCLEAR Accidents --

Quick & Dirty Cleanup!

WHITE HOUSE & EPA dramatically weaken Radiation Cleanup standards. The federal government, rather than closing our aging and dangerous nuclear reactors is facilitating their continued operation at every turn, bowing to the nuclear industry's need for profits. The NRC regularly rules against safety! Now the government is clearly expecting one or more nuclear disasters to occur. We know the magnitude of harm that can occur following a nuclear reactor accident. **The US has decided that it would be cheaper if they just don't clean up the radioactive contamination, and so they plan to allow much higher radiation exposures to the public, as high as 2,000 millirems.** This would, in effect, increase a longstanding standard of 1 in 10,000 person cancer rate to a rate of 1 in 23 persons exposed over a 30-year period. This is a sharp reversal for EPA, which previously stood up for strongly health protective radiation standards in contrast to other agencies. Public Employees for Environmental Responsibility calls this new policy, "a public health policy only Dr. Strangelove could embrace."

http://www.peer.org/news/news-releases/2013/04/08/white-house-approves-radical-radiation-cleanup-rollbacks/

While geared to radiological emergencies, we have major concerns about the weakening of EPA's standards, in light of transport accidents and the need to adequately clean-up many existing radiation contaminated sites in NY.

Nuclear Waste on the Move

- The US is planning storage for the highly radioactive nuclear fuel rods from nuclear reactors. Since there is no permanent repository, so- called "interim storage" is recommended. Recently, the Binghamton area has been identified by the federal government as a "suitable site', despite frequent floods in the region, which would make this area very ill-suited.
- Even if New York is not chosen as a site for "Interim storage" of nuclear fuel rods, our roads and rails could be used for the transport of this radioactive material through our communities.
- There is currently a plan to ship High Level LIQUID radioactive waste from Canada to Savannah River on New York roads. The transport of liquid High Level waste in hundreds of shipments is unprecedented and invites disaster.

Nuclear Waste on our Roads and Rails-- referred to as "Mobile Chernobyl", because of the risks

Since "Atoms for Peace" and "Energy Too Cheap to Meter" became national policy, our nation has accepted a massive and growing inventory of high-level nuclear waste with nowhere for it to go. The President's Blue Ribbon Commission said we will have enough high level waste by 2050, (from the 150,000 tons of used fuel from existing nuclear reactors) to fill two geologic repositories, like the cancelled Yucca Mountain repository. The Commission documented the years of effort to plan for a repository and the fact that siting a repository is extraordinarily difficult.

As an alternative, the Commission proposed and is recommending "interim consolidated storage", temporary stores to store used nuclear fuel rods from nuclear reactors until permanent repositories are sited and constructed. A lot is riding on the ability to find temporary storage, since new reactors cannot be approved unless there is a solution for the high level waste. Temporary storage means moving this waste multiple times with increases in accidents and contamination.

A New York Heroine-- Joanne Hameister

In May, the Sierra Club Niagara Group awarded Joanne Hameister the 2013 Blake Reeves Leadership Award for her decades of work on the West Valley Nuclear Waste Facility. Joanne is a steadfast and tireless leader, working on the complexities of a radioactively contaminated site, and fighting a federal agency that would like nothing more than to just walk away. Fortunately, Joanne says, " You simply do not give up. .. We will have to infuse our dedication into future generations to carry on. That persistent dedication might be our only legacy. " CEC works closely with Joanne and the Coalition on West Valley Nuclear Wastes, and that persistence is key to getting West Valley cleaned up.

Hundreds of Radioactive Waste Sites need cleanup across the County, but CLEANUP $$$ are Limited.

CASE in Point: West Valley, NY

While communities across the country fight for limited Clean up dollars to address leaking, spreading radioactive contamination, the federal government believes it can attract new partners willing to sign up for Interim Consolidated Storage sites.

In **West Valley, NY**, (Cattaraugus County) the federal government promoted nuclear waste reprocessing. In just 6 years, this site was massively contaminated, and reprocessing was halted.

Today, funds for West Valley cleanup are at half the level recommended by the General Accounting Office, a Congressional research and watchdog agency.

Delays in clean up could release radioactive waste to the Great Lakes – the source of drinking water for millions of people. A Strontium plume of contamination is currently moving off site.

The Federal Government needs to fully fund the cleanup of existing contaminated waste Sites and halt all activities that produce more nuclear waste. We cannot have a sustainable future with a growing pile of nuclear waste that is hazardous for millions of years.

Good News on Fracking

Corporations are not People. Furthermore they have no right to privacy

In Pennsylvania, Judge O'Dell Seneca struck down secrecy provisions related to a court settlement between a gas company and an impacted family, ruling that companies have no privacy rights. This means that information in the settlement will be available to other members of the public, including environmental and public health groups. Even more significant, this Judge ruled that corporations are not people under the Pennsylvania constitution. This case has potentially far reaching implications. http://truth-out.org/news/item/15721-pennsylvania-court-deals-blow-to-secrecy-obsessed-fracking-industry

Local People & Home Rule Win in NY

In May, NYS's Appellate Court upheld the right of townships to use their zoning laws to ban gas drilling. This decision is a David vs. Goliath victory with local activists winning a decision against huge fossil fuel corporations seeking to defeat New York's home rule provisions of our constitution.

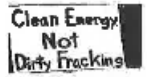
http://truth-out.org/news/item/16252-new-yorks-zoning-ban-movement-frocks-big-gas

Anti-Fracking Heroine

Sandra Steingraber, Heroine and Movement Leader

Ironically on Earth Day, Dr. Sandra Steingraber was sitting in Jail on charges of trespassing for non-violent civil disobedience. Sandra is a biologist and the author of several books highlighting the toxic chemical assault every person receives daily in our air, food and water from an inadequate system of regulation for toxic chemicals. Sandra is one of the foremost leaders in calling for Chemical Policy Reform and the use of the Precautionary Principle in order to protect public health. A nationwide network of activists is now trying to eliminate the use of the worst toxic chemicals and substitute safer alternatives. Ironically fracking relies on the use of a chemical cocktail of toxic chemicals

The real crime is that Sandra spent any time in Jail, while the corporation, Inergy, claimed the geology of the site for natural gas storage was proprietary or confidential business information and could not be shared with those concerned about the safety of its proposal to store natural gas in a salt cavern adjacent and beneath Seneca Lake, a source of drinking water.



Corporations are recklessly endangering Society

People can be criminals and can commit horrendous acts- like stealing, rape, murder. People can be tried and if found guilty can also be sentenced to serve time in jail. Despite increasingly serious violations of the law, corporations are escaping similar punishment. Corporations have no social attributes. They are established to make money for their shareholders. If they dump toxic waste, if they fail to provide a safe workplace and workers are injured or killed, if they cause catastrophic events or produce unsafe products, this is all part of doing business. Such behavior is characteristic of sociopaths, those who have no conscience or function without ethics or social norms. We seem more able to punish people for their behavior than to punish corporate misbehavior, even if it criminally impacts a far greater percent of the population.

Our rights have been a key focus of recent news, particularly as they relate to the 2nd Amendment. However, our rights are constantly being eroded by corporations.

Today, babies are born with over 200 toxic chemicals in their bodies, because our environment and our food are so contaminated that the legacy of contamination is passed on to babies even before they are born. The chemical industry fights any reasonable regulation of their most toxic chemicals or any action to prevent toxic chemical accidents.

While the average person pays taxes, many corporations hide money in off-shore accounts to avoid their tax obligations. These corporations don't pay for roads or schools to educate their employees or emergency responders to clean up a spill they caused. With a small tax bill, they can devote their dollars to buying public officials, who do their bidding or any rules to prevent toxic chemical accidents.

Exxon Mobil made extraordinary profits in recent years and has used them to ensure that the truth about global warming did not reach the public except as an issue clothed in controversy. *Continued on next page.*

Corporations control the media and the messages we receive daily!

While 97% of scientists support the strong evidence of climate change, the public thinks only 50% of scientists are concerned about climate change. This shows the power of corporations to control the media and the messages we receive daily. Exxon Mobil even funded the Independent Oil and Gas Industry's advertising campaign to promote fracking.

The decades of delay in actually reining in global warming will ultimately cost trillions of dollars, even if we are able now to act quickly. Next up, the oil and gas industry manages to promote horizontal hydrofracking as the ideal solution for global warming and energy independence, while providing economic benefits. Left behind are people poisoned and sick, as well as homes and property that are worthless.

Corporations have moved jobs oversees for cheap labor. Over 1100 clothing workers were just killed in Bangladesh in a preventable accident. After inspecting the huge cracks in the building, many workers hesitated to go in, but company guards actually beat the workers, forcing them into the building where they later died. H & M and other European retailers have signed an agreement to improve working conditions, but US based Walmart and the Gap are still resisting.

The terrible explosion in West, Texas that killed 15 could have been much worse if schools had been in session with children in the playgrounds. See video of the destruction by the Chemical Safety Board:

http://www.csb.gov/csb-releases-video-documenting-the-blast-damage-in-west-texas/

Protective health and safety regulations are in a regulatory chokehold at the Federal Office of Information and Regulatory Analysis (an anti-regulatory czar). Over 150 regulations prepared by agencies charged with environmental, food, occupational health and safety, and others are backlogged, some for several years, when they should be reviewed and move on their way in just 4 months. One EPA rule on toxic chemicals has been stuck for 3 years. This Officer, populated primarily by non-scientists is overriding the years of careful work by Agency scientists. The 2008 financial crisis was caused by financial giants, all of whom are doing well. These financial giants are now much bigger -- far too big to be allowed to fail. Yet millions of real people are suffering. They have lost their jobs, their homes, their pensions. Families broke up. States had to balance budgets by cutting employees. Our public infrastructure - roads, bridges, wastewater treatment plants-- now has a D+ rating by civil engineers. How many more bridges will collapse? As a result of this economic crisis, some in Congress want to reduce our Social Security earned benefits, a program that is well funded for many years to come-- thus putting the true costs of the crisis on those who did not cause it.

Deregulation has had a lengthy and sordid history. It is impossible to call for voluntary codes of conduct or ethical standards of behavior in the face of powerful corporations with a long record of abusive practices. Laws, stringent enforceable regulations and serious penalties including jail time must be the norm. Punishment must be appropriate to the harm caused. Failure to enforce strict regulations on sociopathic corporate behavior will only provide a green light for increasing abuses.

BECOME A MEMBER OF CEC

Your support enables us to respond quickly to new developments, nimbly taking advantage of opportunities to protect New York's environment as they emerge. Our large and active membership gives us the strength in numbers we need to be effective advocates for strong environmental policy.

Members receive a 1 year subscription to CEC's quarterly e-newsletter, providing the latest environmental news on research, policy, and CEC activities.

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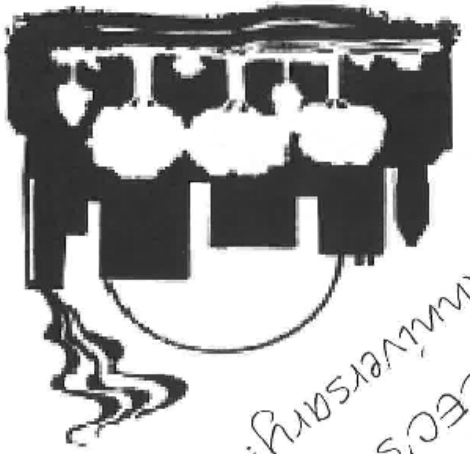
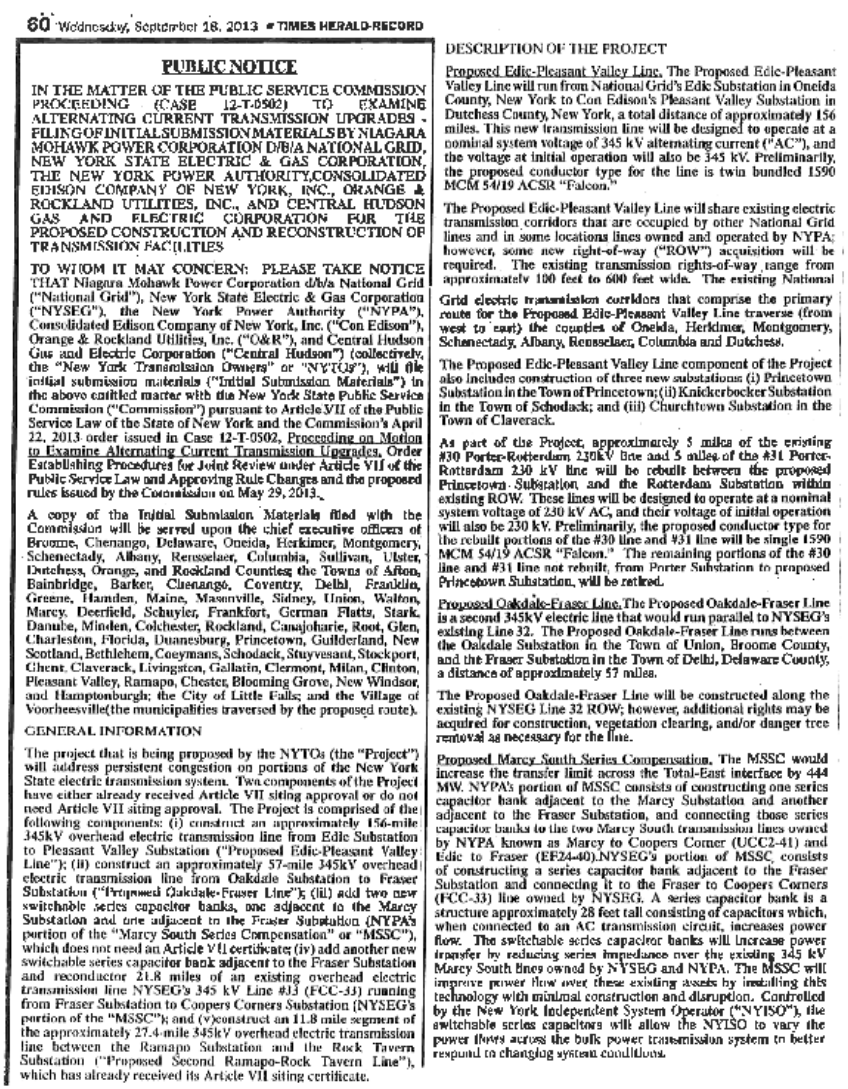


It's CEC's 30th Anniversary!

Encourage your friends to join CEC and like us on Facebook and Twitter.

Thank you!

Comment 712



60 Wednesday, September 18, 2013 • TIMES HERALD-RECORD

PUBLIC NOTICE

IN THE MATTER OF THE PUBLIC SERVICE COMMISSION PROCEEDING (CASE 12-T-0502) TO EXAMINE ALTERNATING CURRENT TRANSMISSION UPGRADES - FILING OF INITIAL SUBMISSION MATERIALS BY NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID, NEW YORK STATE ELECTRIC & GAS CORPORATION, THE NEW YORK POWER AUTHORITY, CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., ORANGE & ROCKLAND UTILITIES, INC., AND CENTRAL HUDSON GAS AND ELECTRIC CORPORATION FOR THE PROPOSED CONSTRUCTION AND RECONSTRUCTION OF TRANSMISSION FACILITIES

TO WHOM IT MAY CONCERN: PLEASE TAKE NOTICE THAT Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid"), New York State Electric & Gas Corporation ("NYSEG"), the New York Power Authority ("NYPA"), Consolidated Edison Company of New York, Inc. ("Con Edison"), Orange & Rockland Utilities, Inc. ("O&R"), and Central Hudson Gas and Electric Corporation ("Central Hudson") (collectively, the "New York Transmission Owners" or "NYTOs"), will file initial submission materials ("Initial Submission Materials") in the above entitled matter with the New York State Public Service Commission ("Commission") pursuant to Article VII of the Public Service Law of the State of New York and the Commission's April 22, 2013 order issued in Case 12-T-0502, Proceeding on Motion to Examine Alternating Current Transmission Upgrades, Order Establishing Procedures for Joint Review under Article VII of the Public Service Law and Approving Rule Changes and the proposed rules issued by the Commission on May 29, 2013.

A copy of the Initial Submission Materials filed with the Commission will be served upon the chief executive officers of Broome, Chenango, Delaware, Oneida, Herkimer, Montgomery, Schenectady, Albany, Rensselaer, Columbia, Sullivan, Ulster, Dutchess, Orange, and Rockland Counties; the Towns of Afton, Bainbridge, Barker, Chenango, Coventry, Delhi, Franklin, Greene, Hamden, Maine, Masonville, Sidney, Union, Walton, Marcy, Deerfield, Schuyler, Frankfort, German Flatts, Stark, Danube, Minden, Colchester, Rockland, Canajoharie, Root, Glen, Charleston, Florida, Duanesburg, Princetown, Guilderland, New Scotland, Bethlehem, Coeymans, Schodack, Stuyvesant, Stockport, Ghent, Claverack, Livingston, Gallatin, Clermont, Milan, Clinton, Pleasant Valley, Ramapo, Chester, Blooming Grove, New Windsor, and Hamptonburgh; the City of Little Falls; and the Village of Voorheesville(the municipalities traversed by the proposed route).

GENERAL INFORMATION

The project that is being proposed by the NYTOs (the "Project") will address persistent congestion on portions of the New York State electric transmission system. Two components of the Project have either already received Article VII siting approval or do not need Article VII siting approval. The Project is comprised of the following components: (i) construct an approximately 156-mile 345kV overhead electric transmission line from Edic Substation to Pleasant Valley Substation ("Proposed Edic-Pleasant Valley Line"); (ii) construct an approximately 57-mile 345kV overhead electric transmission line from Oakdale Substation to Fraser Substation ("Proposed Oakdale-Fraser Line"); (iii) add two new switchable series capacitor banks, one adjacent to the Marcy Substation and one adjacent to the Fraser Substation (NYPA's portion of the "Marcy South Series Compensation" or "MSSC"), which does not need an Article VII certificate; (iv) add another new switchable series capacitor bank adjacent to the Fraser Substation and reconductor 21.8 miles of an existing overhead electric transmission line NYSEG's 345 kV Line #33 (FCC-33) running from Fraser Substation to Coopers Corners Substation (NYSEG's portion of the "MSSC"); and (v)construct an 11.8 mile segment of the approximately 27.4-mile 345kV overhead electric transmission line between the Ramapo Substation and the Rock Tavern Substation ("Proposed Second Ramapo-Rock Tavern Line"), which has already received its Article VII siting certificate.

DESCRIPTION OF THE PROJECT

Proposed Edic-Pleasant Valley Line. The Proposed Edic-Pleasant Valley Line will run from National Grid's Edic Substation in Oneida County, New York to Con Edison's Pleasant Valley Substation in Dutchess County, New York, a total distance of approximately 156 miles. This new transmission line will be designed to operate at a nominal system voltage of 345 kV alternating current ("AC"), and the voltage at initial operation will also be 345 kV. Preliminarily, the proposed conductor type for the line is twin bundled 1590 MCM 54/19 ACSR "Falcon."

The Proposed Edic-Pleasant Valley Line will share existing electric transmission corridors that are occupied by other National Grid lines and in some locations lines owned and operated by NYPA; however, some new right-of-way ("ROW") acquisition will be required. The existing transmission rights-of-way range from approximately 100 feet to 600 feet wide. The existing National Grid electric transmission corridors that comprise the primary route for the Proposed Edic-Pleasant Valley Line traverse (from west to east) the counties of Oneida, Herkimer, Montgomery, Schenectady, Albany, Rensselaer, Columbia and Dutchess.

The Proposed Edic-Pleasant Valley Line component of the Project also includes construction of three new substations (i) Princetown Substation in the Town of Princetown; (ii) Knickerbocker Substation in the Town of Schodack; and (iii) Churchtown Substation in the Town of Claverack.

As part of the Project, approximately 5 miles of the existing #30 Porter-Rotterdam 230kV line and 5 miles of the #31 Porter-Rotterdam 230 kV line will be rebuilt between the proposed Princetown Substation and the Rotterdam Substation within existing ROW. These lines will be designed to operate at a nominal system voltage of 230 kV AC, and their voltage of initial operation will also be 230 kV. Preliminarily, the proposed conductor type for the rebuilt portions of the #30 line and #31 line will be single 1590 MCM 54/19 ACSR "Falcon." The remaining portions of the #30 line and #31 line not rebuilt, from Porter Substation to proposed Princetown Substation, will be retired.

Proposed Oakdale-Fraser Line. The Proposed Oakdale-Fraser Line is a second 345kV electric line that would run parallel to NYSEG's existing Line 32. The Proposed Oakdale-Fraser Line runs between the Oakdale Substation in the Town of Union, Broome County, and the Fraser Substation in the Town of Delhi, Delaware County, a distance of approximately 57 miles.

The Proposed Oakdale-Fraser Line will be constructed along the existing NYSEG Line 32 ROW; however, additional rights may be acquired for construction, vegetation clearing, and/or danger tree removal as necessary for the line.

Proposed Marcy South Series Compensation. The MSSC would increase the transfer limit across the Total-East interface by 444 MW. NYPA's portion of MSSC consists of constructing one series capacitor bank adjacent to the Marcy Substation and another adjacent to the Fraser Substation, and connecting those series capacitor banks to the two Marcy South transmission lines owned by NYPA known as Marcy to Coopers Corner (UCC2-41) and Edic to Fraser (EF24-40).NYSEG's portion of MSSC consists of constructing a series capacitor bank adjacent to the Fraser Substation and connecting it to the Fraser to Coopers Corners (FCC-33) line owned by NYSEG. A series capacitor bank is a structure approximately 28 feet tall consisting of capacitors which, when connected to an AC transmission circuit, increases power flow. The switchable series capacitor banks will increase power transfer by reducing series impedance over the existing 345 kV Marcy South lines owned by NYSEG and NYPA. The MSSC will improve power flow over these existing assets by installing this technology with minimal construction and disruption. Controlled by the New York Independent System Operator ("NYISO"), the switchable series capacitors will allow the NYISO to vary the power flows across the bulk power transmission system to better respond to changing system conditions.

Comment 712 was submitted by Jürgen Wekerle (Sierra Club) at the Public Hearing on the proposed CHPE Project Draft EIS in Albany, New York, on November 18, 2013. See Comment 139 for Jürgen Wekerle's (Sierra Club) comments from the Public Hearing.

NYSEG's portion of NSSC also consists of reconductoring 21.8 miles of NYSEG's FCC-33 line in the Towns of Delhi, Hamden, Colchester and Rockland, located in Delaware and Sullivan Counties. Some structures along the existing ROW will be replaced with substantially similar structures.

Proposed Second Ramapo-Rock Tavern Line.

The Proposed Second Ramapo-Rock Tavern Line will extend from Con Edison's Ramapo 345kV Substation to Central Hudson's Rock Tavern 345kV Substation. The Line will be installed on the existing towers of the first 345 kV circuit extending from the Ramapo Substation to the Rock Tavern Substation that was completed in 1974.

The Commission has previously issued a certificate for construction and operation, pursuant to Article VII of the Public Service Law, of two 345 kV circuits from the Ramapo Substation to the Rock Tavern Substation. The Commission has also previously approved Environmental Management & Construction Plans ("EM&CP") for the first circuit from Ramapo to Rock Tavern and for a portion of the second circuit extending from the Ramapo Substation to the Sugarloaf Substation (a distance of 15.6 miles). Construction has begun on that segment. Con Edison now intends to seek Commission approval of its EM&CP for the balance of the second circuit from Sugarloaf to the Rock Tavern Substation (a distance of 11.8 miles).

The Proposed Second Ramapo-Rock Tavern Line will contain the following three elements:

1. Installation of the balance of a previously approved second 345 kV circuit, i.e., approximately 11.8 miles extending from Sugarloaf to the Rock Tavern Substation on the existing structures that support the first 345 kV circuit;
2. Modification of the Ramapo and Rock Tavern Substations to connect the second 345 kV circuit to these substations; and
3. Installation of a new 345/138 kV step-down transformer and associated equipment in the vicinity of the existing 138 kV Sugarloaf Substation that will provide for connection of the O&R system to the Proposed Second Ramapo-Rock Tavern Line.

LOCATION OF THE PROJECT

Proposed Edic-Pleasant Valley Line. The Proposed Edic-Pleasant Valley Line will run from National Grid's Edic Substation in Oneida County to Con Edison's Pleasant Valley Substation in Dutchess County. The line will be built primarily along an existing ROW owned by the Co-Applicants.

The Proposed Edic-Pleasant Valley Line starts at the Edic Substation in the Town of Marcy, Oneida County. It would traverse the short distance (less than 2,000 feet) to the Porter Substation to join the Porter-Rotterdam #30 and #31 230 kV ROW, which also includes the NYPA Marcy-Coopers Corners and the Edic-Fraser 345 kV lines. These facilities are located on adjacent double-circuit structures within this shared 200- to 350-foot-wide ROW for a total distance of approximately 12 miles. Heading southeast past Porter Substation, the line crosses State Route 8/12 into the Town of Deerfield and continues past and to the north of the Utica Reservoir. After crossing into Herkimer County, the line turns south and crosses the New York State Thruway (I-90), the Erie Canal and the Mohawk River within a distance of approximately 3,000 feet.

The Proposed Edic-Pleasant Valley Line continues in a south-southeasterly direction for approximately 8 miles in Herkimer County at which point the #31 230 kV line separates from the other three circuits and continues to the east along a separate ROW. The line follows the alignment of the #30 230 kV line which continues to share the ROW with the two NYPA 345 kV lines for approximately 1.7 miles. The two NYPA 345 kV lines diverge south from the #30 230 kV line and the #30 line continues within its own ROW in a southeasterly and then easterly direction for approximately 2.9 miles, at which point it rejoins the #31 230 kV line. The line continues in a southeasterly-easterly direction along the 200-foot-wide ROW of the #30 and #31 lines through Herkimer County. The line travels through the Towns of Schuyler, Frankfort, German Flatts, Little Falls, Stark, and Danube in Herkimer County.

The Proposed Edic-Pleasant Valley Line continues to follow the alignment of the #30 and #31 230 kV lines in a southeasterly direction through Montgomery County, crossing Canajoharie Creek in the Town of Canajoharie. In the Town of Charleston, just west of State Route 30A, the #30 and #31 lines separate with the #31 line heading northeast before turning to the southeast and rejoining the #30 line just west of Schoharie Creek. The line continues to follow the alignment of the #30 line due east through this area, across Schoharie Creek, before continuing into Schenectady County. The line travels through the Towns of Minden, Canajoharie, Root, Glen, Charleston, and Florida in Montgomery County.

The Proposed Edic-Pleasant Valley Line continues due east along the ROW of the #30 and #31 lines in Schenectady County bypassing the proposed Princetown Substation, which will be located near the intersection of the ROW for the #30 and #31 lines and the ROW for the Marcy-New Scotland #18 345 kV line and the Edic-New Scotland #14 345 kV line.

The Proposed Edic-Pleasant Valley Line continues to the southeast along the 370-foot-wide ROW for the Marcy-New Scotland #18 345 kV line and the Edic-New Scotland #14 345 kV line. The line crosses Interstate 88 (I-88) about 5 miles south of the proposed Princetown Substation, just west of where I-88 ends at the New York State Thruway (I-90). About 1 mile south of the I-88 crossing, the #13 115 kV line joins the 590-foot-wide ROW and the line turns due south and continues into Albany County. The line travels through the Towns of Duanesburg and Princetown in Schenectady County.

In Albany County, the Proposed Edic-Pleasant Valley Line crosses U.S. Route 20 in the Town of Guilderland, continues due south just to the east of the Orchard Creek Golf Club, then turns southeast and continues along the existing 345 kV corridor, which is reduced to a 450-foot-wide ROW for a distance of approximately 2 miles in the Town of Guilderland. The line follows this corridor to the New Scotland Substation in the Town of New Scotland. The line by-passes the New Scotland Substation and heads east for a distance of approximately 3.4 miles along the corridor that includes several 115 kV lines and the New Scotland-Alps #2 345 kV line. This section of ROW ranges between 400feet and 620feetwide. The line turns south continuing along the existing 250-foot-wide 345 kV ROW, crosses a major railroad corridor and CSX siding complex, then crosses U.S. Route 9W and the New York State Thruway (I-87) just west of the Hudson River. The line travels through the Towns of Guilderland, New Scotland (which includes 4.9 miles in the Village of Voorheesville), Bethlehem, and Coeymans in Albany County.

The Proposed Edic-Pleasant Valley Line follows the New Scotland-Alps #2 345 kV alignment across the Hudson River into Rensselaer County, parallel and to the south of an existing CSX railroad bridge and the New York Thruway-Berkshire Connector bridge. At the crossing location the Hudson River is approximately 1,800 feet wide. On the east side of the Hudson River these three facilities continue an aerial crossing of the Schodack Island State Park for a distance of approximately 1,200 feet. From the Hudson River the line continues east for approximately 1.6 miles to the proposed Knickerbocker Substation, which will be located at the intersection of the New Scotland-Alps #2 345 kV line and the Schodack-Churchtown #14 and the Greenbush-Hudson #15 115 kV lines in the Town of Schodack.

The Proposed Edic-Pleasant Valley Line departs from the proposed Knickerbocker Substation and proceeds to the south along the 100-foot-wide ROW of the double-circuit Schodack-Churchtown #14 and Greenbush-Hudson #15 115 kV lines. Approximately 2.2 miles south of the proposed Knickerbocker Substation, the line passes into Columbia County and continues in a nearly straight line due south through the Town of Stuyvesant for a distance of

approximately 8 miles. After crossing into the Town of Stockport, the line turns to the southeast, crosses U.S. Route 9 and Kinderhook Creek, and again turns due south. The line continues in a southerly direction generally parallel to and approximately 1 mile to the east of U.S. Route 9. The line crosses a small portion of the Town of Ghent less than 1 mile west of the Columbia County Airport. The line continues to follow the 115 kV ROW through the Town of Claverack, passing about 2 miles to the east of the City of Hudson. After crossing Route 9H the double-circuit #8 and #17 115 kV lines join the ROW just north of the Churchtown Substation. The 150-foot-wide ROW the line is in remains with this configuration of parallel double-circuit 115 kV lines for the next 12 miles through the Towns of Livingston (8.3 miles), Gallatin (1.2 miles), and Clermont (0.7 mile). The total distance in Columbia County is approximately 30.8 miles.

The Proposed Edic-Pleasant Valley Line continues south into the Town of Milan in Dutchess County, and approximately 1 mile south of the county line the ROW is joined from the west by the Leeds-Pleasant Valley #91 and #92 345 kV lines in a parallel, single-circuit configuration. The line continues along this 400-foot-wide ROW for approximately 6 miles, at which point the two 345 kV lines leave this joint ROW to the west; the line continues due south along the 115 kV ROW, running east of Silver Lake in the Town of Clinton. The line continues south in the Town of Clinton and continues along this 150-foot-wide 115 kV ROW in the Town of Pleasant Valley to the Pleasant Valley Substation. The line travels through the Towns of Milan, Clinton, and Pleasant Valley in Dutchess County.

South of Churchtown Substation, the Proposed Edic-Pleasant Valley Line roughly parallels the Taconic State Parkway which is located approximately 2 to 3 miles to the east. A portion of this ROW in which the line is located in Columbia and Dutchess counties is also occupied by the Iroquois Pipeline.

Proposed Oakdale-Fraser Line. The Proposed Oakdale-Fraser Line begins at the Oakdale 345 kV substation in the Town of Union in Broome County. It leaves the substation, heading in a northern direction for approximately 1.6 miles. The line then crosses into the Town of Maine and continues in a northeast direction for approximately 3 miles. The line then crosses into the Town of Chenango, continuing for approximately 6 miles before crossing into the Town of Barker. Continuing northeast the line crosses State Highway 79, followed by Conklin Hill Road and enters into Chenango County, Town of Greene.

Within the Town of Greene, the Proposed Oakdale-Fraser Line continues in an easterly direction for approximately 7.5 miles and then crosses into the Town of Coventry. In the Town of Coventry, the line travels in a northeast direction for 7.5 miles after which it crosses into the Town of Afton. The Line crosses State Highway 41 and State Highway 7 followed by the Delaware and Hudson Railroad. After crossing into the Town of Bainbridge, the line continues for approximately 3.4 miles before crossing into Delaware County, Town of Masonville.

The Proposed Oakdale-Fraser Line continues in an easterly direction through the Town of Masonville for approximately 9 miles before crossing into the Town of Sidney. Continuing in an easterly direction for 2.3 miles, the line crosses into the Town of Franklin and then continues for approximately 2 miles before crossing into the Town of Walton. After crossing into the Town of Walton, the line continues in an easterly direction for 2.8 miles before crossing into the Town of Hamden. The line continues through Hamden for approximately 3.8 miles and then crosses into the Town of Delhi, ending at the Fraser Substation.

Proposed Marcy South Series Compensation. Three parcels, approximately 2 acres each and adjacent to existing substations on land already owned by either NYPA or NYSEG, would be used as sites for the proposed series capacitor banks. One series capacitor bank would be constructed adjacent to the Marcy Substation in the Town of Marcy on NYPA-owned property. The second and third series capacitor banks would be constructed adjacent to the Fraser Substation in the Town of Delhi on NYSEG-owned property.

The 21.8-mile reconductoring of NYSEG's FCC-33 line commences at a point along NYSEG's existing ROW in the south-central portion of the Town of Delhi, approximately 4.5 miles east-southeast of the Fraser Substation. The reconductoring route passes through the Town of Hamden in a southerly direction for approximately 5 miles and continues in a southerly direction through the Town of Colchester for approximately 12 miles. While in the Town of Colchester, the reconductoring route passes above approximately 0.64 miles of surface water comprising the Pepacton Reservoir and, immediately thereafter, passes into the Catskill Park. The reconductoring route passes through approximately 12 miles of Catskill Park and terminates at the Hazel Substation, located approximately 4 miles south of Colchester, in the Town of Rockland, Sullivan County.

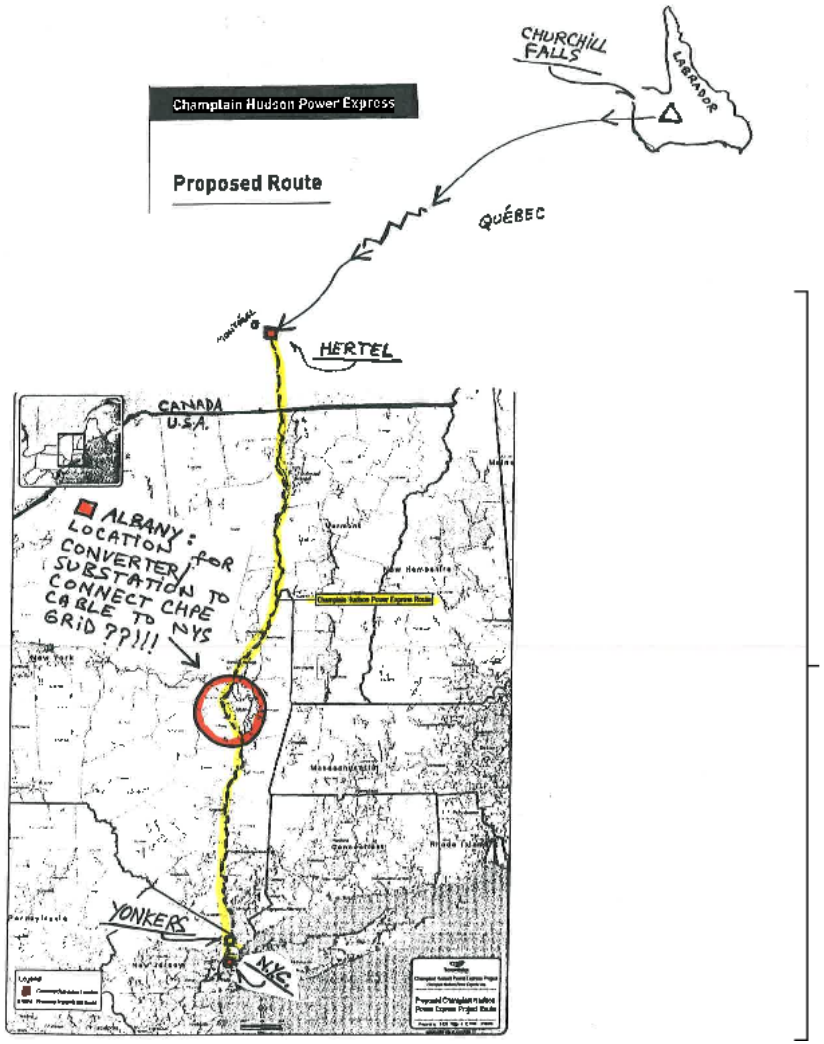
The existing ROW for the FCC-33 line is approximately 150 feet wide. Construction as well as access will occur exclusively in this existing ROW and along existing access roads; acquisition of additional ROW will not be required.

Proposed Second Ramapo-Rock Tavern Line.

The Proposed Second Ramapo-Rock Tavern Line will be constructed utilizing the existing transmission towers along the ROW between Sugarloaf and Rock Tavern.
The proposed work will be done between Sugarloaf and the Rock Tavern Substation within the towns of New Windsor, Hamptonburg, Blooming Grove, and Chester, and at the three affected substations (Ramapo, Sugarloaf and Rock Tavern).

DATE OF FILING

The NYTOs expect to file the Initial Submission Materials with t the Commission on or before October 1, 2013. Copies of the Initial Submission Materials will be available for public inspection on the Project website (www.nytransco.com). In addition, copies of the Initial Submission Materials will be available for public inspection at the Department of Public Service Offices in Albany (Office of Central Files, 14th Floor, Three Empire State Plaza, Albany, NY 12223).



712-01

712-01: The following Sierra Club, Atlantic Chapter letter, comments, and map are from the 2010 EIS scoping period and do not reflect the currently proposed CHPE Project as was analyzed in the Draft EIS. The proposed CHPE Project would be a merchant transmission facility that would provide electricity, generated in Canada primarily from hydroelectric and wind sources, to the New York City metropolitan area market. See response to Comment 139-06 regarding a potential converter station in Albany. The other components of this comment letter are noted. As stated in the response to Comment 139-18, these scoping comments were considered during development of the EIS. The comments raised have been either addressed in Section 2.5 of the EIS (Alternatives Analysis) or regard use of conservation, demand management, or other power generation sources; and development of other in-state electric power sources or other transmission lines, which are outside the scope of the EIS.

SIERRA CLUB
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ATLANTIC CHAPTER

STERLING FOREST/HIGHLANDS COMMITTEE

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August 2, 2010

Office of Electricity Delivery and Energy Reliability
OE-20
U. S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Attn: Dr. Jerry Pell

UNITED STATES DEPARTMENT OF ENERGY
OE DOCKET NO. PP-362
DOE/EIS - 0447

SCOPING COMMENTS FOR ENVIRONMENTAL IMPACT STATEMENT (EIS) RE: CHAMPLAIN HUDSON POWER EXPRESS (TRANSMISSION DEVELOPERS, INC.) APPLICATION FOR A PRESIDENTIAL PERMIT, AND APPLICATION FOR AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING TO CONSTRUCT AND OPERATE A 1,000 MGW ELECTRIC TRANSMISSION CABLE FROM QUEBEC, CANADA, TO THE NEW YORK METRO REGION.

Dear Dr. Pell:

The following written comments are to supplement the Sierra Club comments made at the July 13, 2010, Scoping Meeting held in Kingston, NY. This also supplements testimony provided by other Atlantic Chapter representatives of the Sierra Club, a national,state, and local grassroots membership organization committed to protecting the natural and human environment which we share.

OVERVIEW

To be funded with American Recovery and Reinvestment Act subsidies, the Champlain Hudson Power Express transmission project (the Project), was proposed to the US Department of Energy (DOE) on January 27, 2010, as a 420 mile-long submarine power cable from the Hertel Substation in Quebec, Canada, running under Lake Champlain and the Hudson River to the NY Metro region. The cable

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system was to have had the capacity to deliver 2,000 megawatts (MGW) of power to be generated from new, companion wind and hydro sources in Canada which were to be constructed at some future date. At a stated cost of $3.8 billion, the Project would have been able to transport 1,000 MGW to the NY Metro region, and 1,000 MGW to New England. During July, 2010, the Project surprisingly eliminated the New England component. The Project, thus has been reduced in half.

Two primary reasons are noted in the June 16, 2010, Federal Register for conducting this EIS: 1) the necessity of the Project to obtain a "Presidential Permit" since both the cable and electric power are to cross the international US-Canada border; and, 2) the EIS will also be used to satisfy NEPA requirements regarding the Project's application to obtain American Recovery and Reinvestment Act funding. Eligibility for that subsidy require development of renewable energy sources, and a construction start date commencing by September 30, 2011.

Remarkably, the Project seeks to enter an energy market that already has an oversupply of electricity at a time of contracting economic activity and in a business climate fostering energy efficiency and conservation initiatives that collectively are reducing the demand for existing supply.

The Project development appears to be dependent not on current or projected market conditions, but rather on federal loan guarantees of at least $1.52 billion pursuant to provisions of the Energy Policy Act of 2005 (EPAct), and pursuant to the American Recovery and Reinvestment Act of 2009 (the Recovery Act, better known as the Federal Economic Stimulus Package...). Those federal subsidies would underwrite at least 80 percent of the Project's cost. Additionally, the Project would be eligible for a plethora of other federal-state-local subsidies and business incentives such as state and county Industrial Development Agency sales tax exemption, property tax abatement, IRS accelerated and bonus depreciation allowances, job creation credits, brown field redevelopment grants, etc... It is possible that the collective public subsidy may equal or even exceed the total cost of the Project, all of which must be detailed in the EIS.

DETERMINATION OF NEED

Before the specifics of the Project are even considered, the EIS must establish the need for such a new source of long-distance power supply to the NY Metro region. NEPA requires a declaration of public need and the taking of a "HARD LOOK" at new proposals as well as at a full range of alternatives and strategies that could also satisfy the Project's stated purpose.

And, New York State regulations require an evaluation of impacts on the use and conservation of energy including a demonstration that the Project will satisfy generating capacity and other electric system needs in a manner consistent with the state energy plan. It does not matter if the proposal is for "green and clean" power, or for "dirty" fossil fuel power. It does not matter if the proposal

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is funded by private investors or if the federal subsidies will fund a proposal with "free money." If there is no need, the "no action" option prevails.

Further, any proposal should serve the transmission/distribution requirements of the power grid which serves the entire state. The Project as proposed, however, will for the most part bypass existing power lines and interconnection possibilities, and will not integrate itself into the existing state-wide grid. New York power producers will effectively be excluded from use of the cable which will not modernize the existing state transmission infrastructure.

New York and New Jersey officials, regulatory agencies, distribution merchants and industry oversight entities like the New York Independent Systems Operator (NYISO), all clearly state that a lack of additional long-distance transmission is not an issue. The critical Metro NY-NJ concern is maintaining and upgrading local and neighborhood transformers and substations and power lines that interconnect with all generation sources.

There are always new demands for more or different sources of supply, especially for retiring and replacing existing power plants. But, there are always solutions anticipating those needs that are being prepared in an ongoing planning cycle of ten or more years out into the future. The state and NY Metro problems involve aging distribution infrastructure which caused the Queens, NYCity power outage crisis during the summer of 2006. No amount of extra, outside supply could have changed those events.

Currently, the Hudson Valley has six major power plants in addition to those in New York City and in North Jersey. They use a mix of gas, oil, coal, hydro and nuclear fuel. Two north-to-south long-distance transmission systems also serve the region. The NYS Power Authority Marcy-South power line from the EDIC/Utica substation to the Rock Tavern substation in Orange County is located west of the Husdon River. The Central Hudson to Con Ed complex from the Albany area to the Bronx is located east of the Hudson. All systems interface with the Metro NY load zone which is also supplied by transmission cables from Connecticut and New Jersey.

Most of the above plants are operating below capacity and have reserves immediately to ramp up production to meet seasonal peak demand. Further, seven proposals in recent years for new generating facilities in Rockland and Orange Counties alone never materialized due to unfavorable market conditions that did not justify the return on investment because of competition from existing sources including Demand Side Management achievements, and because additional supply could not be absorbed by the market.

As late as April, 2010, the NYISO, which manages the supply/reliability of electricity produced and traded among NYS merchants, has stated that there is no existing or anticipated need for additional power in NYS during the next 10-year planning cycle. In fact, the use of electricity in NYS starting in 2008 has dropped significantly. The NYISO has reaffirmed that the top priority in NYS is to modernize

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the local utility distribution systems and the regional grid.

The EIS must evaluate the total consumption patterns within the state and the capacity of all supply sources, especially those that are within the NY Metro region including the following:

-- the installation of the Cross Sound cable from New Haven, Ct., to Shoreham, Long Island;

-- the installation of the Neptune cable from Sayreville, N.J., to Levittown, Long Island; and,

-- the implementation of the State energy plan which promotes efficiency, conservation, improved building codes and decentralized solar and wind net-metering applications.

The EIS must evaluate the supply projects that are nearing approval and construction such as:

-- the Cross-Hudson cable from Ridgefield, N.J., to the 49th Street substation in Manhattan which will link Con Ed with the existing NJ PSE&G/PJM power systems in place west of the Hudson River;

-- the Transco Gas pipeline extension through North Jersey to lower Manhattan;

-- the 1,000 MGW Cricket Valley Power Plant in the Town of Dover, Dutchess County, that will connect directly to the Con Ed transmission line to the Bronx;

-- the 630 MGW Competitive Power Ventures Power Plant in the Town of Wawayanda, Orange County, that will connect directly to the Marcy-South power line; and,

-- the 63 MGW hydro projects to be generated from existing New York City reservoir spillways in the Catskill Mountains that will connect directly to the Marcy-South power line.

The above generating facilities will use existing transmission infrastructure that will avoid costs for any new transmission line construction.

If there is increased demand and a need for additional supply, many alternatives exist beyond the reflexive response to increase generating capacity. The EIS must evaluate the impacts of the full range of alternatives that would obviate the stated purpose and need for the Project. The EIS must evaluate competing proposals/ technologies; efficiency and conservation initiatives; changing development/construction trends; and, changing economic/consumption conditions.

- The EIS must consider the example of efficiency represented by the Lovett power plant that demonstrates the importance of the NYS priority to modernize the local grid/distribution system.

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During 2007, the Mirant-owned Lovett coal-fired power plant, located on the Hudson River in Rockland County, was under a consent decree to upgrade its emission system. Instead, Lovett petitioned the PSC to be decommissioned. Due to O&R Utility reconstruction of a major substation and local power lines, efficiencies were created which made up for the loss of the Lovett power production. The request was granted by the PSC, the plant has since been demolished, and no new power generation was needed as a replacement for Lovett.

- The EIS must evaluate the full range of Demand-Side-Management (DSM) strategies and technologies ranging from dynamic time-of-day pricing to various digital metering systems within a home that regulate appliance on and off cycles and sequential use, to grid-based, system-wide controls. The radio-controlled thermostats for cooling systems in large buildings that were activated by Con Ed to reduce NYC peak load during the July, 2010 heat wave is a good example of a relatively low-tech, low cost solution.

- The EIS must include the findings of the January 9, 2008, DOE report which shows that implementing the system-wide technology of digital time-of-day temperature and price metering could reduce peak electric loads by up to 15 percent a year and thus save over $70 billion no longer needed to build new power facilities such as the proposed Champlain Hudson Power Express Project. Such a strategy would simultaneously remedy pollution, climate change emissions, supply concerns, and reduce consumer expenses.

- The EIS must evaluate the unused, available reserve capacity of all power plants supplying the NY Metro region. For example, the Bow Line power plant on the Hudson River is producing minimum power due to low demand and high costs. However, Bow Line can quickly generate its maximum capacity if needed at peak load times.

- The EIS must evaluate the New York City regulations that require the ability to produce 80 percent of peak load from generating facilities located within the City.

- The EIS must evaluate all of the alternate supply, efficiency, and conservation programs conducted by the NYS Energy Research and Development Authority (NYSERDA) which make the Project unnecessary.

- The EIS must examine the impact on reduced power consumption due to state and local improved building construction codes and code enforcement. A recent example was O & R Utilities contracting with Bechtel Corp. to construct three power plants in anticipation of population growth in Orange County, the fastest growing county in the State. The population estimates were correct but the expected energy consumption per household plummeted due to improved building insulation practices. Those power plants, as a consequence, were never built. O & R, however, had to sue in State Supreme Court to have the contracts with Bechtel rescinded.

- The EIS must examine the impact of the Recovery Act's funding weatherization and other energy efficient programs designed to reduce

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and conserve energy which conflict with the Project's application for funding from the same federal economic stimulus source to increase energy consumption.

- The EIS must evaluate the impact of all the solar energy products which are replacing traditional electric generation use and which also reduces the need for new transmission facilities. The Solar Energy Consortium in Kingston, NY, has created over 400 production jobs during 2010 alone. Commercial and residential net-metering programs, solar-thermal hot water systems, solar powered LED street and building lighting have not only produced renewable, "clean" power, but also have removed those sources from the power line, thus making more grid capacity available to other merchants.

- The EIS must evaluate the impact of decentralized, land-based and off-shore wind power which is close to points of consumption, and which uses existing transmission/distribution infrastructure.

- The greatest gain in energy supply in recent years has been through the development of "negawatts," the freeing up of existing power through reduced consumption supported by the State energy plan. The EIS must consider those cost effective outcomes in its full range of alternatives which support the "no action" or "no build" option, and which may demonstrate the Project to be unnecessary.

- One half of the original Project proposal, the 1,000 MGW cable to Bridgeport, CT, intended to supply the New England ISO, was aborted at the last moment due to the lack of need for that power. The EIS must examine the circumstances that caused the Project reduction and determine if those circumstances and lack of need also apply to the New York State portion of the Project.

UNIQUE TRANSMISSION-ONLY FUNCTION

The Project stands apart from traditional power merchants since it provides a specialized long-distance transmission-only function which is separate from but totally dependent on bulk power producers at the cable entry point, and on wholesale utility consumers at the cable exit point. The transmission cable is just like a giant household extension cord with plugs at each end.

The Project does not generate electricity nor does it serve as a utility which distributes electricity to retail customers. It has no control over the sources or the price or the end use of the power to be transported. The Project can take no responsibility for the fuel or methods needed to generate the electricity; for the conduct of the suppliers or of the consumers; for the reliability or need for the electricity; or, for the price of the electricity and tax costs which are passed on to the retail consumer.

The Project function is identical to that of the failed New York Regional Interconnect (NYRI) transmission proposal which was dismissed with prejudice on April 21, 2009, (Case No. 06-T-0650), by the New York State Public Service Commission (PSC). NYRI is the model for this Project with three differences: NYRI was an above-ground power line,

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was located wholly within New York State, and wanted construction costs assessed to ratepayers; while this Project is a submarine/ underground cable, is located in both Canada and New York State, and wants construction costs supported by US taxpayers through government subsidies and American Recovery Act guaranteed loans.

Both NYRI and this Project pose classic cases of segmentation within a deregulated energy market for the EIS process. Although treated as a separate entity, the transmission Project is totally dependent upon and cannot exist without production/supply and distribution components. The EIS, therefore, must consider in an equally thorough manner, all components as a single conjoined enterprise.

Further, the EIS must examine how the Project will interface with the regional transmission grid serving the entire state.

PROJECT SEGMENTATION AND RECOVERY ACT FUNDING

Neither the Project's transmission cable nor the Canadian hydro power facilities currently exist. Both are to be constructed when funding is secured. Although legally compartmentalized into transmission and hydro generation components, the Project's transmission function is inseparable from the Lower Churchill Falls dam/artificial impoundment construction and supply function. The financing considerations are equally conjoined. Further, the generation component in Canada may not be finalized without the transmission Project first being approved for American Recovery Act funding.

Since the funding streams for each component may be segregated for accounting purposes, and since each component supports the total funding required to develop the enterprise in common, the EIS should evaluate the cumulative impacts of both transmission and generating components as two steps of the same action, not as disconnected, unrelated actions.

Further, the EIS should evaluate the fungibility of all funding from all public and private sources, and detail how American Recovery Act subsidies will support construction of the underlying generation facilities in Canada, and how those facilities will compete with generating facilities in New York State.

PROJECT HAS NO ABILITY TO PRODUCE "RENEWABLE" ENERGY

The Project has applied for $1.52 billion in Recovery Act loan guarantees, and states that it will transport the prerequisite renewable wind and/or hydro power into New York from facilities at Lower Churchill Falls, Canada. Those facilities are still to be constructed.

If and when new renewable energy becomes available, that electricity could enter the NYISO market via the existing transmission grid without this Project.

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The proposed "renewable" supply will be transported from Lower Churchill Falls over the existing grid to the Hertel substation for conversion to the DC cable. That same electricity could connect with the New York and New England grids right now without any need for the cable at all.

The construction of the cable, however, would provide an exclusive route for any and all electricity that reached Hertel to be leap-frogged to the NY Metro region which would give that supply a special advantage over renewable and other power produced within NYS.

If the intent really is to promote renewable energy throughout the US and Canadian service areas, then future Canadian renewable energy should enter the US market via the conventional grid shared by all suppliers, and should compete on equal footing with NYS renewable energy producers.

Central to the promotion of the Project is the promise to import "green" renewable energy into the NYISO service area. But as a transmission-only facility, the Project has no ability to create/produce renewable or non-renewable energy, and has no control over the source or quality of the commodity it transports.

Further, the Project has never asserted that it will only transport renewable wind and hydro power over the useable life of the cable. It has not said that it would not transport non-renewable power from coal, nuclear or tar/oil sand sources, or that it may transport from all sources in some combination. It is unlikely that the Project can legally refuse to deliver energy from any source, a circumstance germane to its subsidy application.

The EIS must evaluate the delivery potential of all power from all sources and from all locations for cumulative environmental impact reasons, and for Recovery Act subsidy eligibility reasons.

IS CHURCHILL FALLS HYDRO POWER "RENEWABLE" AND REALLY ELIGIBLE FOR AMERICAN RECOVERY ACT SUBSIDIES?

All hydro power is not the same. "Renewable" hydro power is generally defined as power from free-running rivers such as that from Niagara Falls and the St. Lawrence River.

The Project has stated that the anticipated Hydro power would be from the Lower Churchill Falls project which may not be developed should the Champlain Hudson Power Express cable not first be approved.

Dams at Churchill Falls are yet to be built, and forests are yet to be cut down and flooded. What effect will the loss of forests and habitat have on the wildlife to be displaced, and on a net increase of greenhouse gases? What is the chance that methane and other climate changing chemicals will be introduced into the atmosphere as a result of the proposed flooding?

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The hydro power is to be generated from artificially created impoundments, not from free-running streams. What effect on energy reliability would impoundment-generated power have during high heat, summer drought conditions causing high rates of evaporation and low water flow at the same time New York consumer demand for electricity is the highest?

The EIS must detail the sources and quality of the hydro power that is promised by the Project and evaluate whether or not those Canadian sources are really renewable and eco-friendly, both from an enviromental perspective and as a precondition for Federal Recovery Act funding.

EXCLUSIONARY DESIGN AND ANTI-COMPETITIVE NATURE OF THE PROJECT

The Project is a 355 mile-long Direct Current (DC) transmission cable starting at the Hertel substation in Canada, 35 miles north of the Quebec-New York State (NYS) border. The cable runs the entire north-south length of NYS, terminating at a specialized converter station in Yonkers. At that point, the power is transformed from DC back to Alternating Current (AC), and enters the conventional distribution grid.

Transmission-only facilities like that of the Project are to transport power from all suppliers over the same shared line or cable. AC power allows entry/exit hookups throughout the grid. However, this DC cable has no access connections along the 355 mile intervening length, and essentially is a separate DC system from the existing AC grid. Further, the entry point at Hertel appears to be reserved to transport supply only from Lower Churchill Falls if and when that Canadian generation ever comes on line.

Most troubling is the Project design that blocks cable access to competing US/NYS power merchants who are prevented from using the cable to transport electricity generated and distributed within the state. Likewise, state producers are denied the ability to transport and sell NYS generated power via the cable into the Canadian market. The Project effectively is a one-way monopoly that channels trade-protected Canadian power into the high-use but already well-supplied NY Metro market at a disadvantage to NYS merchants.

It appears that the exclusionary design of the Project violates both the purpose of the Recovery Act to support US/NYS enterprise, and the priorities of the NYS energy plan, especially the task to upgrade the existing transmission/distribution grid within the NYISO service area.

The unfair trade advantage given to Canadian power producers by the Project design also is in conflict with DOE policy that requires cross border trade in electric energy between Canada and the USA to follow the same comparable open access and non-discrimination principles that apply to interstate electric transmission within the USA.

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The EIS must evaluate the anti-competitive, monopoly aspects of the Project as they relate to DOE open access and non-discrimination trade policies, and to the related funding requirements of the Recovery Act. Further, the EIS must reconcile the policy contradictions and financial absurdity of Recovery Act funding that will promote competition with the existing grid rather than assist to upgrade that grid; that will give an advantage to imported "renewable" energy at the expense of domestically produced renewables; and, that will underwrite a very expensive transmission cable that NYS energy producers cannot use.

UNREALISTIC MARKET AND PROJECT EXPECTATIONS

The Project's claims defy market realities which demonstrate on a daily basis that a plentiful supply of power exists within the NY Metro region and throughout NYS. It takes no account of the collective actions by power merchants which continue to diminish a need for long-distance and local supplies. It ignores the grid modernization and efficiency priorities of NYISO and the State energy plan. It remains oblivious to a contracting economy and declining trends in overall energy use in NYS. The Project is cost prohibitive and cannot compete with existing merchants who can provide the same or more net electric power through a much lower cost structure. It cannot be constructed and import Canadian electricity without massive US and Canadian public subsidies. It would gain an incredibly unfair business advantage over its US market competitors who do not receive the same government subsidies.

The greatest business threat to new and existing energy merchants, however, is not the result of competition or favoritism among power merchants, or from revolutionary technologies, but from an economy in recession and the related steady reduction in energy consumption across all commercial sectors. Annual statewide use of electricity has declined during the past three years. Even then, seasonal spikes in usage will continue such as that currently being experienced throughout NYS due to the unusually high summer temperatures. NYS has set an all-time monthly record for electric consumption during July, 2010. No adverse delivery or supply problems have been noted, reaffirming the existence of sufficient supply and system capacity.

Not only are jobs and whole industries vanishing from the region, replacement jobs and replacement buildings are anticipated to use far less power than their predecessors. And, the new jobs that are being developed are in the decentralized solar and wind power fields which will further drive down the need for traditional electricity sources and transmission lines.

The lack of need for long distance power surely influenced the Applicant to reduce the Project in half by cancelling the New England segment during July, 2010.

The current economic and financial conditions are just like those faced by the NYRI transmission-only power line project during 2007, 2008, and 2009. NYRI banked on government stimulus subsidies and

special consideration that totally would have misapplied federal programs for funding. The plan was to protect investors by artfully shifting construction costs from investors to ratepayers via a special surcharge/fee rather than to pay from customery but doubtful revenue. The resulting delivery and total costs to customers would have sky-rocketed. When denied, NYRI's lack of a credible business plan no longer could be masked. Investors refused to risk their own money, and the NYRI transmission project folded.

VIABILITY OF PROJECT AND ABSENCE OF REALISTIC BUSINESS PLAN

The Project states that at a cost of $1.9 billion, it would be one of the largest energy "investments" in NYS. It would cost twice as much to construct than that of a local power plant that could add the same amount of electricity into the NYISO service area. For instance, the Cricket Valley Power Plant will cost half as much to construct, is located 300 miles closer to the NY Metro region, will produce the same 1,000 MGW, and can connect to the existing Con Ed transmission lines at no extra construction cost. Added to the cost of the Project is the uncertain cost and uncertain completion date of the proposed Canadian power supply, as well as the uncertain eligibility of that power as a "renewable" source. The total costs very soon escalate ever upward.

The chicken-and-egg relationship between the transmission Project and the Lower Churchill Falls generating project must be evaluated in the EIS since the cable would not connect to an existing supply source. Is the construction of the cable really a device to justify construction of Canadian dams and artificial impoundments with US subsidies?

The lack of an available, legitimate renewable supply, and a lack of a demand for a new supply from any source at a reasonable price raises doubts about the viability of the Project with or without public subsidies.

It appears that market forces cannot justify this transmission-only Project. Just as with NYRI, private investors are unwilling to risk their own money on this power cable venture. The Project can go forward only with uncritical public incentives and funding. To that end, the Project is seeking fast-track approval for a Presidential Permit and related construction permits. Such authorization, in turn, underlies a second, more significant application for immense loan guarantees by the American Recovery and Reinvestment Act which requires both renewable energy production, and a construction start date by September 30, 2011. The loan guarantees by themselves would cover 80 percent of the Project cost and would expose the US taxpayer to at least $1.52 billion in Project obligations.

The EIS must evaluate the risk of financial default requiring a US Government financial rescue. Is the Project cost-effective and viable at all in today's market? Will revenue be sufficient and sustainable to cover debt service and operating expenses without additional public

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subsidies? If the Project is sound and such a smart plan, why do the investors need government guaranteed funds at all? What risk and exposure would the investors have in the event of default and bankruptcy?

The EIS must evaluate the total cost of the Project, the total cost of the tandem generating project upon which it depends, and the total public subsidies for which both projects are eligible. The EIS should consider the impact that the failure of either project would have on the other.

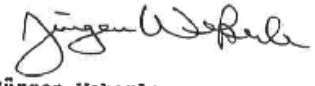
Further, the EIS must detail how subsidies awarded to this Project will absorb available finite public resources that will displace and/or delay renewable energy priorities of NYISO and job creation in solar/ wind/smart grid programs promoted by the State energy plan.

NEGATIVE GROWTH ACTION ALTERNATIVE

The EIS must evaluate the effect of the economic recession on energy trends and on the transformation of industry and lifestyles that need less, rather than more, energy. With a protracted economic downturn in place, the EIS should add a "negative growth action alternative" as a companion scenario to that of the standard "no action" alternative. Such a scenario would address practical responses requiring system-wide adjustments to an economy having excess capacity and under-utilization of power in general. In fact, on May 14, 2010, the NYS PSC directed all utility companies to prepare austerity plans should the recession linger or even worsen.

An honest public policy reality check must take place throughout the electric power industry and must consider which facilities to close or to consolidate much like the review of unused military bases or of the elimination of excess hospital beds. In the case of this Project, if the required "hard look" is not taken, Recovery Act subsidies may be misallocated and lost while forfeiting the opportunity to fund more worthwhile energy initiatives that are in the public interest.

Respectfully submitted,



Jürgen Wekerle
Chair, Sterling Forest/Highlands Committee, Sierra Club, Atlantic Chapter

JW/idi

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Greenwashed power line on fast track to grab billions in $ubsidies

by Jurgen Waberle and Caitlin Pixley

A controversial electric power transmission proposal, the Champlain Hudson Power Express (CHPE), is racing toward regulatory approval even though it is unneeded, will undermine genuine renewal energy, and wreak environmental havoc on the Hudson River and virgin Canadian forests.

CHPE is pressing for fast-track approval from the U.S. Department of Energy (DOE) and the NYS Public Service Commission (PSC). If successful, the boondoggle will qualify for $1.52 billion in U.S. Recovery and Reinvestment Act loan guarantees which require both the transmission of renewable electricity and a construction start date by September.

The project is a 355-mile, 1,000-megawatt, direct current (DC) submarine power cable to begin at the Hertel Substation in Quebec, Canada. The cable is to cross the international border into NYS and will be buried under Lake Champlain and the Hudson River, causing dredging, PCB and other toxic disturbance and environmental damage in its wake.

It would surface in Yonkers at a substation next to a new civic center and the MTA Hudson Line railroad station. That prized location is incompatible with the best use of the critical riverfront redevelopment district, and conflicts with existing efforts that are key to the revitalization of downtown Yonkers.

To be able to receive federal subsidies, the CHPE proposal is being falsely advertised as a clean, renewable energy source that will transport surplus Quebec wind and hydro power to meet NYS demand and renewable energy targets. Quebec, however, has no surplus green energy to export, and the touted hydro sources do not yet exist. They are to be built in the same environmentally destructive manner as previous James Bay proposals by Hydro Quebec.

Virgin Canadian forest lands must first be clear-cut and flooded, and a complex of dams and impoundments is to be constructed at Lower Churchill Falls on the Quebec/Labrador border 1,000 miles away.

The project would divert New York wind power to Canada, then import it as "new" renewable electricity.

Churchill Falls generation and CHPE cable transmission are separate but companion projects mutually dependent on each other and on U.S. subsidies without which neither will be built. If those loan guarantees are approved, U.S. taxpayers will be paying for the devastation of habitat and wildlife in Canada, and for the collateral release of methane and mercury emissions which pollute air, land and water resources on both sides of the border.

Moreover, the proposed hydropower would be generated from low-

continued on page 9

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Greenwashed power line on fast track to grab billions in $ubsidies

continued from page 1

flow, artificial impoundments, not from high-volume, free-running rivers, and thus does not even qualify as renewable energy pursuant to NYS renewable energy policies.

The CHPE promise to import Canadian wind power into NYS is just as contrived as the James Bay-type hydro boondoggle. The proposal would actually divert Great Lakes and Tug Hill wind power generated in western NYS from the existing statewide market. It would re-route that power via the existing grid north across the border and east into the Hertel Substation in Quebec, would re-brand that same NYS-originated power as a new source of renewable Canadian electricity, and then would re-import that power south into the NY metro market.

Currently, all wind power produced in NYS is already available to the NY metro region (and to all customers throughout NYS and surrounding states) via a more direct and much shorter route provided by the open access network of the existing grid. What CHPE is proposing is a bait-and-switch scheme to create the illusion of renewability in order to claim eligibility for the coveted federal loan guarantees and other subsidies, such as the Westchester County Industrial Development Agency (IDA) tax exemptions.

Not only is the CHPE project a glaring example of greenwashing at its best, it satisfies no public need or benefit, defies market conditions, constrains other power merchants, undermines the genuine renewable solar and wind industry which is creating real, permanent jobs in NYS, and conflicts with the state energy plan.

There just is no market demand for additional long-distance power, but should such demand occur, existing plans and the conventional grid can respond and transmit power from Canada or elsewhere without the construction of the CHPE cable.

Paradoxically, a wave of new generation and supply sources is just coming on line at the same time that overall consumption of power in NYS is declining. In April, 2010, the New York Independent System Operator (NYISO), which manages the supply reliability of electricity produced and traded among NYS merchants, stated that there is no existing or anticipated need for additional power in NYS during the next 10-year planning cycle. In fact, the use of electricity in the state has dropped significantly each year since 2008. As a consequence, the Public Service Commission (PSC) has directed utilities to prepare austerity plans to adjust generating capacity/production accordingly.

While power supply is not an issue, upgrading the delivery system is. The NYISO, PSC and the state energy plan all reaffirm that the top energy priorities are to modernize the local utility infrastructure and the regional grid, to maximize efficiency and to supply genuine renewable sources throughout the distribution system.

The CHPE cable would accomplish none of those objectives. Instead of contributing new interconnections along its 355-mile route and integrating itself with the existing grid as required by industry standards, the cable would bypass and be independent of the grid.

The cable's closed DC design prevents its use by NYS merchants to transport and distribute electricity within NYS, and also from selling into the Canadian market. It is an anti-competitive, one-way monopoly that would channel trade-protected Quebec power into the high-use but already well-supplied NY metro market at a disadvantage to NYS merchants, customers and the environment.

Further, the CHPE cable stands apart from traditional power merchants, since it provides a specialized, long-distance, transmission-only function, just like the failed New York Regional Interconnect (NYRI) power line proposal. It neither generates electricity nor does it serve as a utility which distributes electricity to retail customers. It has no control over the source, the price, or the end-use of the power it would transmit. It cannot promise or guarantee renewable sources just as it cannot deny dirty fossil fuel or nuclear sources. It is just like a giant household extension cord with plugs only at each end: an entry plug in Quebec and an exit plug in Yonkers, with no access points in between.

Unfortunately, the permit reviews by the Dept. of Energy and PSC are being limited only to the portion of the cable on the NYS side of the border. Inexplicably, studies of the construction and generation contingencies on the Canadian side and their cumulative impacts, which give birth to CHPE, are being omitted.

With no market need and no public economic benefit, the project has little hope of making a profit through actual old-fashioned earnings. CHPE, however, is a high-finance venture—the object is more to capture the subsidies than to provide renewable energy. The hedge funds will not be placing their own money at risk since the billions of dollars in public subsidies provide for an overly generous, government-guaranteed profit—even if CHPE goes bankrupt and even if no electricity is ever transported.

Ultimately, the nation must focus on ways to reduce energy consumption rather than continue to foster exponential consumption to stimulate the economy at a price that cannot be repaid. The best and fastest way to provide clean, renewable, cost-effective energy is to promote on-site solar and wind generation, coupled with assertive demand-side reduction, conservation and energy efficiency measures—not the perverse transmission-only shell game being perpetrated on unwitting U.S. taxpayers by CHPE.

For more information, visit www.AskPSC.com, with links to DOE for details, current status, Atlantic Chapter testimony, and scoping comments (re: Champlain Hudson Power Express - PSC case #10-T0139).

Jurgen Weiherle sits on the Chapter's Clean Water and Energy committees. Staffer Caitlin Pixley is the Atlantic Chapter's Conservation Associate.

Comment 713

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 825
AFFILIATED WITH AFL-CIO
65 SPRINGFIELD AVENUE, 3RD FLOOR, SPRINGFIELD, NJ 07081
973-671-6900 • FAX 973-921-2918

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8 WESLEY COURT
MIDDLETOWN, NY 10941
845-674-8020
FAX 845-674-8025
5 ALLISON DRIVE
CHERRY HILL, NJ 08003
856-470-1480
FAX 856-470-1485

GREGORY LALEVEE
BUSINESS MANAGER

November 21, 2013

Mr. Brian Mills
NEPA Document Manager
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC, 20585

VIA Email – Brian.Mills@hq.doe.gov

RE: CHPE EIS
Champlain Hudson Power Express Project

Dear Mr. Mills,

I am a Business Representative with the Operating Engineers Local 825. Local 825 represents approximately 6,500 heavy equipment operators, mechanics, and surveyors in the construction industry, as well as individuals employed at heavy equipment repair facilities, equipment rental companies, asphalt and concrete plants and stone quarries. Our jurisdiction encompasses Rockland, Orange, Ulster, Sullivan and Delaware Counties of New York, and the entire State of New Jersey.

The Operating Engineers Local 825 is in favor of the Champlain Hudson Power Express Transmission Line Project. We believe that the project will be completed in a responsible manner and that the work opportunity this project will present to our members will have a positive effect on the area's future economic outlook and our member's livelihood. 713-01

We ask the U.S. Department of Energy for their positive consideration of this project.

Respectfully submitted,

Timothy R. Muller
Business Representative
New York Branch Office

713-01: Comment noted.

Comment 714

PLATTSBURGH NORTH COUNTRY CHAMBER OF COMMERCE

November 21, 2013

Mr. Brian Mills
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Re: CHPE Draft EIS Comments

Dear Mr. Mills:

Home of:

North Country Small Business Council

Adirondack Coast Visitors & Convention Bureau

North Country Industrial Council

Québec-New York Corridor Coalition

New York's Tech Valley

S.C.O.R.E.

Essex County Business Council

Plattsburgh-North Country Service Corp.

Serving:

Clinton
Essex
Franklin
Warren
Hamilton
Southern Québec

The North Country Chamber of Commerce is the largest business and economic development organization in northern New York and one of the four largest chambers in the state. We represent more than 4,200 member employers across five counties.

We play a leading role in strategic economic development, including the facilitation and support of the growing connectivity between Quebec and New York.

With the foregoing in mind, we want to take this opportunity to express our full support for approval of the Champlain Hudson Power Express project, seeking to construct, operate, maintain and connect a new electric transmission line across the U.S.-Canada border through our region. 714-01

Accessing the abundant, clean, renewable hydropower in Quebec for the current and future energy needs of New York in particular and the U.S. in general is, in our opinion, pure common sense. They have it. They're a neighboring, friendly, secure source. And we need it. In this context, we broadly support efforts and investments to take advantage of this power.

A challenge, of course, is the actual transmission, with understandable reluctance in most areas to host and see above ground transmission infrastructure. Therein lies the attractiveness of this venture -- tapping the north-south waterways between Montreal and New York City to invisibly and safely carry most of the line.

The outcome will be increased supply of exactly the kind of electricity we most want to utilize, helping to meet the needs of the New York City region while actually favorably impacting the entire New York State market through the relief of pressures on upstate sources and the simple introduction of a new source of "competition" in the energy market.

In a nutshell, we need multiple sources of clean electricity and the most ample access to supplies as can be achieved. This furthers that aim, and represents a welcome commitment of private investment and leadership which we must encourage and support if we wish to prompt other such potential private ventures.

UNITED STATES CHAMBER OF COMMERCE ACCREDITED

A Strong Partner for Strong Business in the North Country

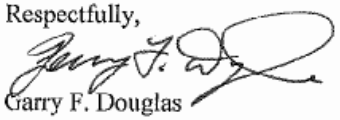
P.O. Box 310, 7061 Rt. 9, Plattsburgh, NY 12901-0310 *Tel:* 518-563-1000 *Fax*
Email: chamber@westelcom.com *Web Site:* northcountrychamber.com

714-01: Comment noted.

We have worked closely with Transmission Developers and CHPE from the early stages of their concept. They have been open, accessible, sensitive and responsive, and have worked cooperatively with responsible environmental interests and others in the design and refinement of their project. We are fully comfortable that the project as now designed is environmentally sound and the business case in terms of helping to address our future energy needs is exceedingly strong.

We seek and encourage the earliest possible approval of the Energy Department, and look forward to the full construction and implementation of this imaginative and welcome project.

Respectfully,



Garry F. Douglas
President and CEO

Comment 715

From: Brian Buel [mailto:briannedie@yahoo.com]
Sent: Monday, November 25, 2013 3:25 PM
To: Mills, Brian
Subject: Champlain Hudson express transmission line project

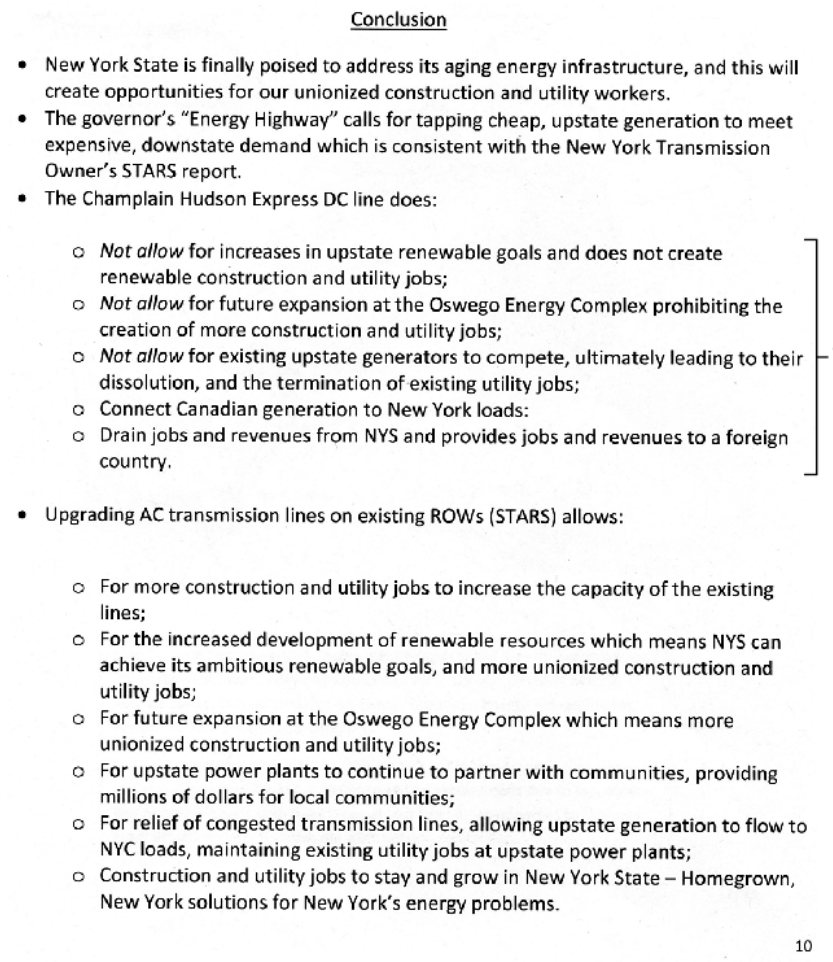
Please review the enclosed attachment which illustrates my objection as an IBEW union member to this project.

; Brian Buel

&nb sp; 19 Tuscany Meadows

East Durham, New York

&nb sp; 12423



Conclusion

- New York State is finally poised to address its aging energy infrastructure, and this will create opportunities for our unionized construction and utility workers.
- The governor's "Energy Highway" calls for tapping cheap, upstate generation to meet expensive, downstate demand which is consistent with the New York Transmission Owner's STARS report.
- The Champlain Hudson Express DC line does:
  - *Not allow* for increases in upstate renewable goals and does not create renewable construction and utility jobs;
  - *Not allow* for future expansion at the Oswego Energy Complex prohibiting the creation of more construction and utility jobs;
  - *Not allow* for existing upstate generators to compete, ultimately leading to their dissolution, and the termination of existing utility jobs;
  - Connect Canadian generation to New York loads:
  - Drain jobs and revenues from NYS and provides jobs and revenues to a foreign country.
- Upgrading AC transmission lines on existing ROWs (STARS) allows:
  - For more construction and utility jobs to increase the capacity of the existing lines;
  - For the increased development of renewable resources which means NYS can achieve its ambitious renewable goals, and more unionized construction and utility jobs;
  - For future expansion at the Oswego Energy Complex which means more unionized construction and utility jobs;
  - For upstate power plants to continue to partner with communities, providing millions of dollars for local communities;
  - For relief of congested transmission lines, allowing upstate generation to flow to NYC loads, maintaining existing utility jobs at upstate power plants;
  - Construction and utility jobs to stay and grow in New York State – Homegrown, New York solutions for New York's energy problems.

10

715-01

715-01: See response to Comment 101-02 and Sections S.8.18 and 5.1.18 of the EIS regarding jobs.

Comment 716

THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK/NEW JERSEY
Tug & Barge Committee

Tug & Barge Committee Port of NY-NJ

NAN-2009-01089-EYA

December 11, 2013

To Whom It May Concern:

I am writing on behalf of the Tug & Barge Committee (TBC) of the Maritime Association of the Port of New York and New Jersey to strongly request that the Champlain Hudson Power Express (CHPE) cable route application as proposed in the Hudson River be denied.

716-01 **716-01:** Comment noted.

"the Applicants recognize that there is significant waterborne commerce on the Hudson River, with the majority of the cargo originating from the Ports of New York and New Jersey."[1]

The Maritime Industry feel that vessel safety has been dismissed in this process and that safe navigation will be compromised. A vast and powerful river, the Hudson has long been a vital piece in our nations Marine Transportation System (MTS) serving New York State and our Nation connecting cities/ports world-wide with numerous ports along the Hudson including the State Capital Port Albany

716-02 **716-02:** See response to Comment 701-02.

STATE POLICY 3

"T h e installation and operation of the transmission cables may affect navigation or future dredging activities which may, in turn, affect the operation of port facilities in New York City and Albany. However, the applicant has consulted with appropriate port facility operators and agreed to site the project in a manner that would not hamper or interfere with port activities."[2]

[1] HDR Letter October 18, 2010, Sean Murphy
[2] NYSDOS Letter June 8, 2011, Signed by Daniel E. Shapiro, First Deputy Secretary of State

"It is the mission of the Tug & Barge Committee to promote and represent the interests of tug boat operators and harbor carriers in local issues relevant to the tug and barge industry in the New York/New Jersey Port area and approaches"

The mission of Harbor Safety, Navigation and Operations Committee of the Port of New York and New Jersey is: "To *develop non-regulatory solutions to operational challenges in the Port of New York and New Jersey.*" The Energy Sub-Committee has worked closely with numerous Alternative/Conventional Energy proposals to develop workable sensible proposals and met with the CHPE consultants on March 16, 2011 to discuss cable routing. At that meeting the Energy Sub-Committee raised several concerns regarding the proposed cable route and installation. The consultant informed the Energy Sub-Committee that they were negotiating with the New York State Department of Conservation (DEC) to route the cable outside the channel in shallow water and that the route would not be the same as presented; however, the recently approved New York State DEC proposed CHPE route is very similar though not identical to the first proposal and therefore the Applicant has met but NOT consulted with the appropriate port facility operators.

716-03 **716-03:** See response to Comment 701-03.

STATE POLICY 2

"Should the bi-pole occupy any federally maintained navigation channels it will be buried at least 15 feet below the authorized depth in a single trench within those channels. In this matter, the siting of the cable at these depths will minimize conflicts with water based navigation by substantially avoiding anchor strikes and potential future navigational improvements."[3]

Anchors vary is size and use but regardless have long been a staple of the shipping industry performing many functions for vessels including anchoring, docking, and emergencies and while docks and anchorages are predictable, emergencies are not. The Hudson River varies in channel width and depths is primarily rock and can narrow to 400 feet in width. The primary tool to mitigate non-controllable factors is the anchor. Non-controllable external factors include diminishing visibility (fog, snow, and thunderstorms), Ice, or other vessels or internal casualty factors (loss of engines or steering). As non-controllable factors can occur anytime and anywhere in any navigable channel, anchoring must be a primary factor in considering proposals in navigational waters that may impact anchoring.

716-04 **716-04:** See response to Comment 701-04.

Risk of fouling an anchor on a cable has many impacts to include but not limited to loss of assets, supply chain schedules, asset/human casualties, and/or environmental damage. Vessels transiting the River trade in various liquid products including Albany exports of crude oil and ethanol.

[3] IBID

"It is the mission of the Tug & Barge Committee to promote and represent the interests of tug boat operators and harbor carriers in local issues relevant to the tug and barge industry in the New York/New Jersey Port area and approaches"

"Another condition requires that the applicant verify the transmission cables' burial depth on a periodic basis so that they do not become a hazard to navigation or marine resources."[4]

The Energy Sub Committee and the Tug and Barge Committee have serious concerns with the proposed cable routing and burial depths for this project and strongly object to burial depths as proposed. Burial depths should be analyzed, verified, and certified by the applicant and MUST be for ALL navigational channels maintained or not maintained.

New York is our home. Over 31,000 New York City residents earn their livelihood in the maritime industry. Because we recognize the importance of balancing the working waterfront activities we support environmental stewardship balanced with economic growth and welcome the opportunity to partner with DEC, FERC, and USACE to create a sensible to approach to cable routes.

I wish to thank you in advance for your considerations to our needs and if you have any questions or concerns please feel fee to email me at safemariner@me.com

Sincerely,

CAPT Eric Johansson, Executive Director
Tug and Barge Committee Port of New York/New Jersey

716-05 **716-05:** See response to Comment 701-05.

[4] IBID

"It is the mission of the Tug & Barge Committee to promote and represent the interests of tug boat operators and harbor carriers in local issues relevant to the tug and barge industry in the New York/New Jersey Port area and approaches"

Comment 717

THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK/NEW JERSEY

NAN-2009-01089-EYA

December 12, 2013

I am writing on behalf of the Maritime Association of the Port of New York and New Jersey to strongly request that the Champlain Hudson Power Express (CHPE) cable route application as proposed in the Hudson River be denied. 717-01

"the Applicants recognize that there is significant waterborne commerce on the Hudson River, with the majority of the cargo originating from the Ports of New York and New Jersey."[1]

The Maritime Industry feels that vessel safety has been dismissed in this process and that safe navigation will be compromised. A vast and powerful river, the Hudson has long been a vital piece in our nations Marine Transportation System (MTS) serving New York State and our Nation connecting cities/ports world-wide with numerous ports along the Hudson including the State Capital Port Albany 717-02

STATE POLICY 3

"T he installation and operation of the transmission cables may affect navigation or future dredging activities which may, in turn, affect the operation of port facilities in New York City and Albany. However, the applicant has consulted with appropriate port facility operators and agreed to site the project in a manner that would not hamper or interfere with port activities."[2]

The mission of our Harbor Safety, Navigation and Operations Committee of the Port of New York and New Jersey is: "To *develop non-regulatory solutions to operational challenges in the Port of New York and New Jersey."* Our Energy Sub-Committee has worked closely with numerous Alternative/Conventional Energy proposals to develop workable sensible proposals and met with the CHPE consultants on March 16, 2011 to

[1] HDR Letter October 18, 2010, Sean Murphy
[2] NYSDOS Letter June 8, 2011, Signed by Daniel E. Shapiro, First Deputy Secretary of State

717-01: Comment noted.

717-02: See response to Comment 701-02.

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717-03

717-03: See response to Comment 701-03.

STATE POLICY 2

"Should the bi-pole occupy any federally maintained navigation channels it will be buried at least 15 feet below the authorized depth in a single trench within those channels. In this matter, the siting of the cable at these depths will minimize conflicts with water based navigation by substantially avoiding anchor strikes and potential future navigational improvements."[3]

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717-04

717-04: See response to Comment 701-04.

Risk of fouling an anchor on a cable has many impacts to include but not limited to loss of assets, supply chain schedules, asset/human casualties, and/or environmental damage. Vessels transiting the River trade in various liquid products including Albany exports of crude oil and ethanol.

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Our Energy Sub Committee and Tug and Barge Committee have serious concerns with the proposed cable routing and burial depths for this project and strongly object to burial depths as proposed. Burial depths should be analyzed, verified, and certified by the applicant and MUST be for ALL navigational channels maintained or not maintained.

717-05

717-05: See response to Comment 701-05.

New York is our home. Over 31,000 New York City residents earn their livelihood in the

[3] IBID
[4] IBID

maritime industry. Because we recognize the importance of balancing the working waterfront activities we support environmental stewardship balanced with economic growth and welcome the opportunity to partner with DEC, FERC, and USACE to create a sensible to approach to cable routes.

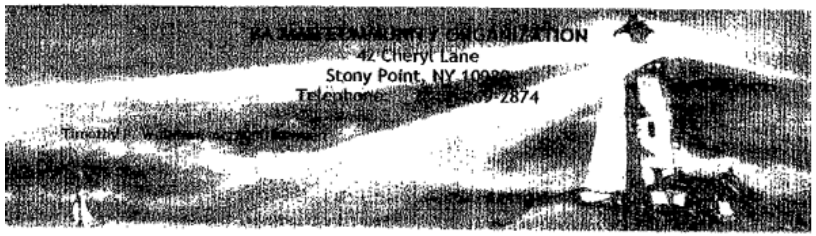
I wish to thank you in advance for your considerations to our needs and if you have any questions or concerns please feel fee to email me at themaritimeassoc@erols.com.

Sincerely,

Edward J. Kelly
Executive Director

Comment 718

01/03/2014 21:00 8454294514 BROOK PAGE 0



US Department of Energy
JAN 0 3 2013
Electricity Delivery and Energy Reliability

December 14, 2013

Mr. Brian Mills
Department of Energy
Section
Office of Electricity Delivery & Energy Reliability (OE20)
U.S. Department of Energy
1000 Independence Ave, SW
Washington, DC 20585

Re: Champlain Hudson Power Express

Dear Mr. Mills:

The Ba-Mar Community Organization is greatly concerned with this project. The CSX Railway is only a good stone's throw away so this project is very close to where we live and will have a great impact on us. The Ba-Mar Manufactured Community to date has received no outreach from Champlain Hudson River Express, Inc., New York State, or New York City, apparently the only beneficiary of this power line. No correspondence in English or Spanish has been received yet as Ba-Mar has a significant Spanish speaking population, whose first language is Spanish. 718-01

Our community was hit hard by Hurricane Sandy just over a year ago which has left us with a lot of uncertainty. Now we learn we have more uncertainty placed upon us. This time it come in the form of a man made storm.

The high voltage power line that is set to be placed so close to us is extremely troublesome to us and hopefully all of Stony Point and Rockland County, if not all, along its path. 718-02
Currently Ba-Mar property may have little impact, as one map shows, but there is no guarantee here. The path may change. As it stands now, the line will disrupt the Stony Point Battlefield, a State Historic Site, the Historic Waldron Cemetery and a number of 718-03
homes here in Stony Point where good decent people live. Let it be said now, people are no better than second on the protection line. The Sturgeon of Haverstraw Bay come first, 718-04
which is why the line comes out of the Hudson into the battlefield and runs along the CSX line right of way and also will run through Stony Point's wetlands. None of this sounds

718-01: DOE followed accepted practices in notifying the public about the availability of the Draft EIS and the planned public hearings. No special accommodation requests were submitted in advance of the hearings. DOE conducted public outreach to all communities along the proposed CHPE Project route. Public notification of the public hearing in Rockland County was provided through various methods including on the CHPE EIS Web site and notices published in the *Federal Register*; USACE public notice, and newspaper notices (*Rockland County Times* on November 7, 2013; *Journal News* on November 4, 2013; and the *Times Record* on November 4, 2013). More than 400 paper copies of the EIS, or copies on CDs, were also mailed out to people who signed up to be on the EIS distribution list during the EIS scoping period in 2010 or were added to the list through a variety of other avenues. Appendix P of the Final EIS identifies all the public comment period and public hearing notifications associated with the Draft EIS that were provided by DOE.

718-02: The World Health Organization, DOE, and National Institute of Environmental Health Sciences (NIEHS) have not identified any known health effects from the level of electromagnetic field (EMF) exposure that would be associated with the proposed CHPE transmission line; therefore, impacts from magnetic fields are not expected from operation of the proposed CHPE Project. The Draft EIS addresses potential health and safety impacts associated with the installation and operation of the transmission line (see Sections 3.1.14.1, 5.1.14, and other similar sections of the EIS).

718-03: See response to Comment 121-03 regarding the cultural sites and response to Comment 105-04 regarding the transmission line crossing properties with homes.

718-04: The Haverstraw Bay alignment, under which the transmission line would have been installed in the Hudson River through Haverstraw Bay rather than on land, was initially proposed by the Applicant in its 2010 Article VII application to the NYSPSC.

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718-04

very good for Stony Point families, the Battlefield, the Waldron Cemetery, our wildlife and our environment. Along with the real possibility of the line that already traverses the tracks could end up on the east side of the tracks to disrupt Ba-Mar causing great risk to its residents.

Therefore, the Ba-Mar Community Organization must soundly, loudly and clearly call for an end to this project. If there is no way to stop it, then put it in the river.

Ba-Mar says.....People over Sturgeons.

Timothy P. Waldron,

Timothy P Waldron

Chairperson, Ba-Mar Community Organization

Based on consultations with regulatory agencies and various stakeholders, including the NYSDEC and the New York State Coastal Zone Management Program, a modified route was selected for approval as part of the NYSPSC Certificate of Environmental Compatibility and Public Need and the Coastal Zone Management Consistency Determination issued for the proposed CHPE Project. Therefore, this previously proposed component is not part of the proposed CHPE Project route as approved in the NYSPSC Certificate, and was not analyzed in the Draft EIS.

The plan to limit underwater installation activities to certain times of the year is designed to avoid life-cycle or migratory impacts on aquatic species in the project area. At the Town of Stony Point, the proposed CHPE Project would exit the Hudson River for approximately 8 miles (13 km) in Rockland County to avoid impacts on Haverstraw Bay and the Haverstraw Bay SCFWH. The intent was to have no underwater installation activities in Haverstraw Bay at any time of the year.

Comment 719

UTILITY WORKERS UNION OF AMERICA
Local 1-2, Affiliated with AFL-CIO
5 West 37th Street, 7th Floor, New York, NY 10018
(212) 575-4400 Fax:(212) 575-3852

HARRY J. FARRELL, PRESIDENT
JAMES SLEVIN, VICE PRESIDENT
LUCIA E. PAGANO, SECRETARY-TREASURER
SENIOR BUSINESS AGENTS
JOHN CAPRA
JAMES SHILLITTO
ROBERT STAHL

January 6, 2014

Mr. Brian Mills
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585
Fax: 202-318-7761 | Email: Brian.Mills@hq.doe.gov

RE: UWUA Local 1-2 comments on DOE/EIS-0447 and request for DOE to REJECT CHPE

Dear Mr. Mills:

On behalf of the Utility Workers Union of America Local 1-2 and its 8,000 members, and their families, I am writing to confirm our opposition to the Champlain Hudson Power Express (CHPE) project and urge you to deny the construction permit for CHPE.

The CHPE line does not make sense from an economic, public policy or energy perspective. Relying on foreign-generated power, instead of upgrading in-state energy infrastructure, does not put the interests of New Yorkers first. Keep in mind that New York's electric power plants provide skilled, good-paying, sustainable jobs to thousands of hard-working union members. Rather than spurring investment in new facilities in New York State, which would create more good jobs and help this nation's economy, the CHPE proposal curtails infrastructure investments and undercuts the need for other in-state generation by creating a "one-way energy highway" from Quebec to Queens. The result is the exportation of our jobs and dollars for the sole benefit of Canada. Not only will we lose the jobs which in-State plants would create, but we also will lose existing jobs, as current New York State plants are shut down.

719-01

In addition, ratepayers should not be exposed to the high cost nor to the high probability of CHPE failing on a merchant and/or reliability basis. While CHPE has maintained that the line will be built on free market principles, it continues to insist that New York's ratepayers remain "on the hook" for paying the bill. In fact, Hydro-Quebec, the state-owned Canadian utility

719-02

719-01: Installation and operation of the CHPE transmission line is directly aligned with the goals outlined in the *New York Energy Highway Blueprint*. Implementing the project would mean that New York State would have a greater percentage of its supply capacity from clean energy sources. Also, the increase in power supply (i.e., approximately 1,000 MW and 7,640 gigawatt hours [GWh] per year added to the New York City metropolitan area market) would help satisfy the growing demand for electricity in the state. More details on the benefits associated with the proposed CHPE Project are provided in Sections 5.4.12 and 5.4.16 of the EIS. Construction of new power generating facilities is not within the scope of this EIS. See response to Comment 101-02 regarding jobs.

719-02: As stated in Section 1.4 of the EIS, the economics of the proposed CHPE Project and potential impact on ratepayers was evaluated as part of the NYSPSC Article VII review process. Independent modeling conducted by the NYSDPS projected that ratepayer benefits in the New York Control Area would total approximately $405 million to $720 million per year.

The New York State electricity market is regulated by the NYSPSC and the NYISO. The pricing mechanisms for power purchases in the New York State electricity market are not the subject of this EIS. Cost-benefit analysis conducted by the Applicant determined that residents and businesses would experience cost savings from the annual reductions in wholesale energy market prices that would occur throughout the state as a result of the proposed CHPE Project's impact on electricity rates. See Section 5.1.18 of the EIS for additional information.

UTILITY WORKERS UNION OF AMERICA
LOCAL 1-2, Affiliated with AFL-CIO

conglomerate, already requested access to a New York State fund, financed by a surcharge on ratepayers, to help defray CHPE costs[1], although that fund is supposed to be limited to companies based in this State. With respect to reliability and cost concerns, in June 2013, a Canadian transmission line failed to export over 1,300 megawatts of power to New York. This caused wholesale electric prices in New York City to "[jump] as high as $1,534.80 at 12:15 p.m. after averaging $47.46 a megawatt-hour from 7 a.m. until noon."[2] Should CHPE fail New York, the price shock would be even greater. Moreover, our in-state generation assets will become responsible for making up the loss of power and run the risk of overloading other transmission lines. It is important to note that this costly scenario would also violate the New York State Reliability Council's Reliability Rules.

719-02

719-03

Based on the above facts, the Utility Workers Union of America Local 1-2 urges you to deny CHPE's permit. The project makes New York vulnerable to job losses, accountable for the high costs, and increases our dependency on foreign power, while we New Yorkers assume all of the risk.

Respectfully submitted,

James Slevin
President, Local 1-2

[1] *"Canadian-owned company seeks U.S. dollars for electric line,"* Capital New York, November 18, 2013 http://www.capitalnewyork.com/article/albany/2013/11/8536130/canada-owned-company-seeks-us-dollars-electric-line

[2] *"New York Wholesale Electricity Surges on Canadian Imports Halt,"* Bloomberg Businessweek, June 17, 2013, http://www.businessweek.com/news/2013-06-17/new-york-wholesale-electricity-surges-on-canadian-imports-halt

719-03: See response to Comment 719-02.

Comment 720

January 15, 2014

Mr. Brian Mills
National Environmental Policy Acct Document Manager
Office of Electricity Delivery and Energy Reliability
U.S. Department of Energy
Washington, D.C. 20585
Brian.Mills@hq.doe.gov

Dear Mr. Mills,

The Lake Champlain Committee (LCC) has reviewed the Lake Champlain portion of the Draft Champlain Hudson Power Express Transmission Line Project Environmental Impact Statement (EIS). LCC is a bi-state environmental organization working for a healthy, accessible lake since 1963.

During the scoping phase of the EIS, the Lake Champlain Committee made some recommendations of alternatives to be addressed. Of these alternatives, the EIS adequately explained why alternative routes (S.7.1) and aggressive energy efficiency and conservation measures (S.7.2) were not considered. However, the EIS does not offer an explanation of why diversified generation as an alternative means of meeting the New York City areas energy needs was not considered. We feel this is a weakness in the present document and should have been addressed. — 720-01

We appreciate the tremendous effort the DOE has put into this EIS and the opportunity to comment.

Sincerely,

Mike Winslow
Lake Champlain Committee Staff Scientist

cc: Lori Fisher, LCC Executive Director

Lake Champlain Committee ~ 208 Flynn Avenue ~ Building 3 Studio 3F ~ Burlington, VT 05401
802-658-1414 ~ lcc@lakechamplaincommittee.org ~ www.lakechamplaincommittee.org

720-01: As presented in Section 1.2 of the EIS, the purpose of and need for the DOE's action is to decide whether or not to issue a Presidential permit for the proposed transmission line crossing of the U.S./Canada international border. Continued operation of, or development of, other new in-state power sources or transmission lines is not the subject of the application for a Presidential permit and is outside the scope of this EIS. In addition, as presented in Section 2.5.3 of the EIS, conservation, demand management, or use of other power generation sources by themselves were not considered reasonable alternatives to the proposed CHPE Project and were not evaluated in detail in the EIS.

Comment 721

SAVING THE LAND THAT MATTERS MOST

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January 15, 2014

VIA E-MAIL
Mr. Brian Mills
Senior Planning Advisor
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW.
Washington, DC 20585
Brian.Mills@hq.doe.gov

RE: DOE/EIS-0447

Dear Mr. Mills:

Please accept these joint comments on the Champlain Hudson Power Express Transmission Line Project Draft Environmental Impact Statement ("DEIS") on behalf of Scenic Hudson, Inc. ("Scenic Hudson") and Riverkeeper, Inc. ("Riverkeeper").

Scenic Hudson works to protect and restore the Hudson River as an irreplaceable national treasure and a vital resource for residents and visitors. Scenic Hudson combines land acquisition, support for agriculture, citizen-based advocacy and sophisticated planning tools to create environmentally healthy communities, champion smart economic growth, open up riverfronts to the public and preserve the valley's inspiring beauty and natural resources.

Riverkeeper is a member supported watchdog organization dedicated to defending the Hudson River and its tributaries and protecting the drinking water supply of nine million New York City and Hudson Valley residents.

SAVING THE LAND THAT MATTERS MOST

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Scenic Hudson and Riverkeeper Intervention in PSC Process

Scenic Hudson and Riverkeeper intervened in the New York State Public Service Commission ("NYSPSC") Article VII transmission siting proceeding for this project in 2010 with serious concerns about the impacts of installing a cable within the sensitive Hudson River estuary. However, after achieving significant improvements to the route through nearly two years of settlement negotiations and the commissioning of an expert report by ESS Group detailing potential environmental impacts of the project, we concluded that the impacts to the estuary would be minimal and were outweighed by the benefits of the project if certain conditions were met.

Environmental Impacts

River

As a result of the long negotiation process, the project route was changed to avoid especially sensitive habitat areas in the Hudson River, including Haverstraw Bay. The route avoids directly transiting twelve of the seventeen Significant Coastal Fish and Wildlife Habitats in the estuary.

In areas where the line will be transiting through the Hudson River, "exclusion zones" of particularly sensitive areas where cable installation will be avoided have been delineated by the New York State Department of Environmental Conservation ("NYSDEC"). To avoid potential impacts of heat emanating from the transmission cables and the limited magnetic field produced, particularly on sensitive migratory species, the cables would be buried to the maximum depth achievable, which is expected to be at least six feet below the sediment-water interface, except in limited areas of bedrock or debris where the cable may have to be covered by concrete matting. Further, the bi-pole will be buried in a single trench, with the cables installed vertically on top of one another, which results in the magnetic field from each pole essentially cancelling the other out, minimizing any magnetic field to the greatest possible extent. Underwater cable installation activities would be limited to certain times of the year to avoid life-cycle or migratory impacts to Atlantic sturgeon, American shad, winter flounder, striped bass and other anadromous fish populations as well as resident species such as shortnose sturgeon using the affected areas. These "exclusion zones", increased burial depth and construction windows will avoid or minimize impact to sensitive aquatic species.

There will be continuous monitoring of suspended sediments, turbidity and water quality during cable installation, and mitigation strategies will be implemented. There will also be pre and post installation benthic and sediment monitoring, bathymetry, temperature and magnetic field

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land ■ parks ■ advocacy

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studies, and pre and post installation sturgeon tracking studies, all of which will work to ensure that construction is not impacting water quality and aquatic species.

In addition, a substantial Environmental Trust Fund to benefit the habitats and ecosystems of Lake Champlain and the Hudson River will be established. A number of priority studies and projects that will minimize, mitigate, study and/or compensate for the short-term adverse aquatic impacts and potential long-term aquatic impacts and risks to these water bodies from construction and operation of the project have been developed. These projects include Hudson River fish habitat studies, restoration of spawning and refuge habitat for migratory and resident fish in the Hudson River, habitat restoration in the Bronx Kill, oyster bed development and restoration, contaminated sediment modeling in the upper Hudson and New York Harbor, and many others. Additional projects will be proposed and implemented over the life of the Trust, expected to be at least 35 years, and a third-party foundation will administer the Trust. This funding will significantly benefit the water bodies potentially impacted by the project.

The project's converter station, originally slated to be constructed in a location on the Yonkers waterfront currently experiencing a renaissance, has been relocated to an industrial area in Queens, where the converter station would be more consistent with the character of surrounding land uses. In addition, by siting the converter station in close proximity to the terminus of the line at the Astoria substation, the need for the installation of a bundle of six alternating curren cables in the Hudson, Harlem and East Rivers from Yonkers to Queens is obviated

Land

While Scenic Hudson became involved in this project primarily due to concerns about the potential impacts to the Hudson River, we carefully evaluated the impacts of undergrounding the line on land before advocating for this option to avoid especially sensitive habitat, such as Haverstraw Bay.

The vast majority of the 8 mile terrestrial route in Rockland County is within the railroad right-of-way, with about .5 miles along Route 9W. There would be some temporary disturbances for a few days up to 2 weeks during construction, but no permanent impact to these previously disturbed areas.

In the limited distance traversed under Stony Point Battlefield State Park, Hook Mountain State Park and Rockland Lake State Park, horizontal directional drilling ("HDD") techniques will be used which allow installation of the transmission line without disturbing the surface of the parks. While construction equipment will be visible for a very limited time, this is a temporary impact.

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As discussed above, there would be no electrical fields and small magnetic fields that dissipate very quickly with distance from the direct current line. Even directly over the line, the magnetic fields will not exceed regulatory standards. No health effects have been identified by any organization from this level of exposure. Overall, the impacts of the underground upland portion of this line will be temporary and small.

Conclusion

While Scenic Hudson and Riverkeeper approached this project in 2010 with deep concerns about its environmental impacts, through our own careful study, the expert report we commissioned, and significant changes to the project achieved by a negotiation process involving numerous stakeholders, Scenic Hudson believes that environmental impacts from this project will generally be temporary in nature and overall represent a negligible impact to the Hudson River. 721-01

721-01: Comment noted.

Respectfully submitted,

/s/Hayley Carlock/
Hayley Carlock, Esq.
Scenic Hudson, Inc.

/s/Phillip Musegaas/
Phillip Musegaas, Esq.
Scenic Hudson, Inc.

Comment 722

The American Waterways Operators
www.americanwaterways.com

801 North Quincy Street
Suite 200
Arlington, VA 22203

John A. Harms
Manager - Atlantic Region

PHONE: (703) 841-9300, extension 292
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January 15, 2014

Mr. Jun Yan, P.E.
Project Manager, Eastern Section Regulatory Branch
U.S. Army Corps of Engineers
26 Federal Plaza, Room 1937
New York, NY 10278

RE: Proposal to Construct the Champlain Hudson Power Express Transmission System (USACE Docket ID No. NAN-2009-01089-EYA)

Dear Mr. Yan:

The American Waterways Operators is the national trade association for the U.S. tugboat, towboat, and barge industry. Our industry' s 4,000 tugboats and towboats and more than 27,000 barges safely and efficiently move m ore than 800 million tons of cargo each year. This includes more than 80 percent of New England's home heating oil, 60 percent of U.S. export grain, and significant petroleum products transported on the Hudson River. We appreciate the opportunity to comment on the proposal to construct the Champlain Hudson Power Express (CHPE) cable route transmission system.

AWO approaches this construction proposal from the perspective of an organization that is committed to being a leader in marine safety, security, and environmental stewardship. We are committed to working with government partners to advance these shared objectives. AWO's Responsible Carrier P rogram, the safety management system with which all AWO members must comply as a condition of association membership, highlights AWO m ember commitment to continuous safety and environmental protection. AWO is committed to the goal of zero harm from our industry's operations – to human life, to the environment, and to property. To realize this goal, AWO looks fo rward to working with the Corps to minimize risk to vessel operators on the Hudson River.

The Hudson River navigation channel is, at certain points, only 400 feet wide. The waterway accommodates a wide range of commercial and recreational users, making it essential that tug and barge operators retain the ability to conduct emergency maneuvers to avoid collisions, allisions, and groundings. One critical emergency m aneuver is the quick and unfettered deployment of an anchor or anchors, which can be used to slow or stop a tugboat and barge that has lost steering or propulsion capabilities, or that is headed toward a collision, allision, or grounding. In addition, operators on the Hudson River must contend with weather conditions that include the quick onset of inclement weather and loss of visibility that requires

Army Corps of Engineers Docket ID No. NAN-2009-01089-EYA
January 15, 2014
Page 2

vessel owners to deploy an anchor. In all of these scenarios, deploying an anchor has long been a principal tool of safe maritime operations.

The presence of an underwater cable would prevent vessels from deploying an anchor due to the risk that the anchor or cable could be damaged, both expensive and unsafe propositions for vessel owners. Typically, underwat er cables or pipelines run perpendicular to the navigation channel and present a minimal obstacle to anchoring. By contrast, the CHPE cable will be placed in or near the middle of the Hudson River navigation channel for roughly sixty-seven miles. This likely prevents the use of anchors on much of the congressionally authorized navigation channel between New York Harbor and Albany, depriving ve ssel operators of a principal tool of safe maritime operations. 722-01

The towing industry understands that certain sections of the CHPE cable are proposed to be buried up to six feet deep. However, a significant portion of the cable cannot be buried due to the bedrock that forms the bottom of the channel where the cable will be covered by concrete articulated mattresses. Articulated mattresses themselves pose a serious risk of entangling and breaking an anchor. Options in the Hudson River that would keep the cable out of the congressionally authorized navigation channel would present far fewer risks to safe navigation and would not impede future efforts to improve our maritime transportation system. 722-02

In recent years, vessel traffic on the Hudson River has increased due to the growth of exports of petroleum and ethanol from Albany. To f acilitate increased traffic, it may become necessary to dredge the navigation channel to maintain or increase the channel's depth. AWO is concerned that the current cable citing will make dredging operations impossible, limiting economic growth and safe, environmentally friendly transportation on the waterway. The Hudson River is a major commercial artery and the Corps must not allow poor planning now to impede future navigation needs and economic growth. 722-03

AWO strongly urges that the CHPE cable route application as proposed be denied because it will complicate the deployment of anchors, a principal tool of safe maritime operations. In addition, the construction of the cable as planned would impede future efforts to improve our maritime transportation system and harm economic growth. 722-04

Thank you for the opportunity to comment on the permit application for the CHPE cable. AWO stands ready to work with the Corps to find an alternative solution that maintains safe navigation and facilitates economic growth. AW O would be pleased to answer any questions or provide further information as the Corps sees fit.

Sincerely,

John A. Harms

CC: Mr. Brian Mills, U.S. Department of Energy

722-01: The proposed CHPE Project transmission line would be buried to a depth of at least 7 feet throughout the Hudson River, a depth the USACE has identified in their Public Notice for the proposed CHPE Project that substantially reduces the risk of anchor snags.

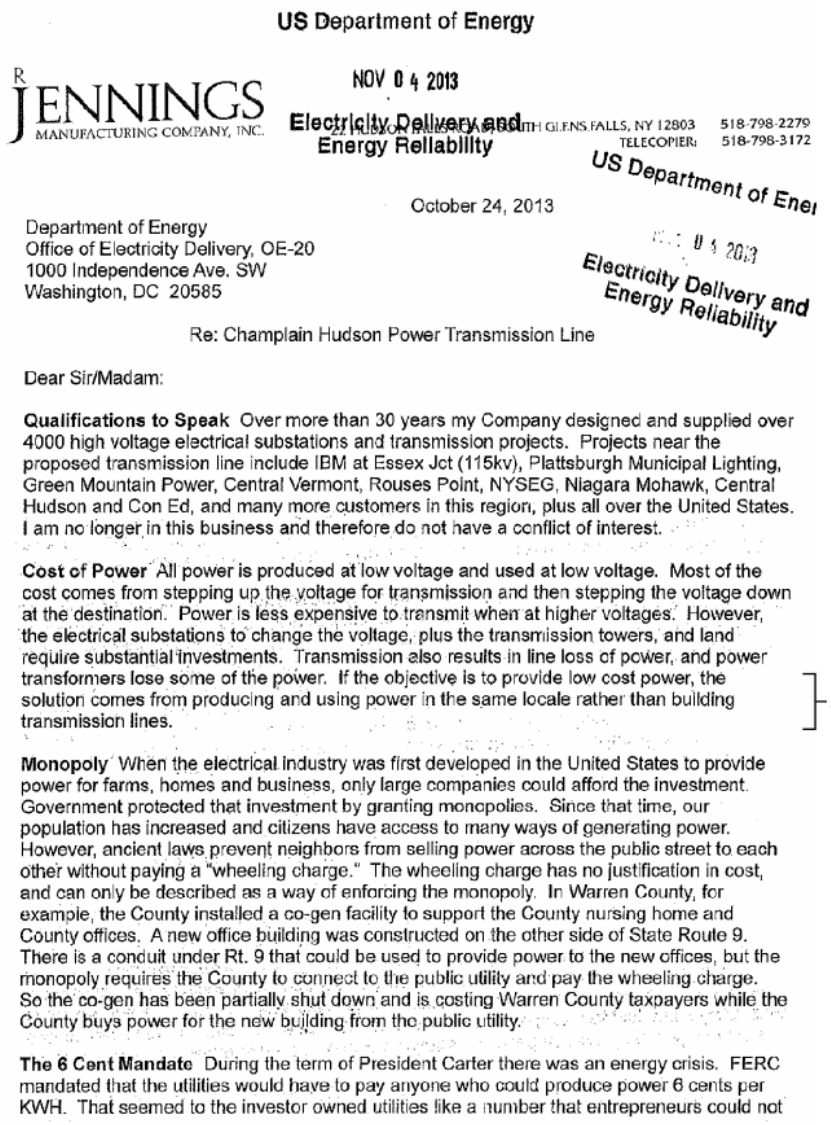
722-02: The Applicant estimates that approximately 1.5 percent of the length of the aquatic portion of the proposed transmission line route, or 3.0 miles (4.8 km), would require the use of articulated concrete mats to cover the transmission line where it cannot be buried due to presence of exposed bedrock or utility line crossings. See response to Comment 134-01 regarding anchor snags and concrete mats.

The Applicant considered a number of alternatives for the transmission line route as described in Section 2.5 of the EIS, and the aquatic route proposed reflects a 2-year negotiation process with settlement parties through the NYSPSC Article VII certification review process, as discussed in Section 2.3 of the EIS.

722-03: The proposed transmission line avoids all portions of the maintained (i.e., dredged) federally designated navigation channel in the Hudson River. In unmaintained portions, the depth is already great enough such that maintenance dredging is not required.

722-04: Comment noted. See responses to Comments 722-01 through 722-03.

Comment 801



US Department of Energy

R JENNINGS MANUFACTURING COMPANY, INC.

NOV 0 4 2013

Electricity Delivery and Energy Reliability

27 HUDSON RIVER PLAZA, SOUTH GLENS FALLS, NY 12803 518-798-2279
TELECOPIER: 518-798-3172

US Department of Ener

October 24, 2013

Department of Energy
Office of Electricity Delivery, OE-20
1000 Independence Ave. SW
Washington, DC 20585

0 4 2013

Electricity Delivery and Energy Reliability

Re: Champlain Hudson Power Transmission Line

Dear Sir/Madam:

Qualifications to Speak Over more than 30 years my Company designed and supplied over 4000 high voltage electrical substations and transmission projects. Projects near the proposed transmission line include IBM at Essex Jct (115kv), Plattsburgh Municipal Lighting, Green Mountain Power, Central Vermont, Rouses Point, NYSEG, Niagara Mohawk, Central Hudson and Con Ed, and many more customers in this region, plus all over the United States. I am no longer in this business and therefore do not have a conflict of interest.

Cost of Power All power is produced at low voltage and used at low voltage. Most of the cost comes from stepping up the voltage for transmission and then stepping the voltage down at the destination. Power is less expensive to transmit when at higher voltages. However, the electrical substations to change the voltage, plus the transmission towers, and land require substantial investments. Transmission also results in line loss of power, and power transformers lose some of the power. If the objective is to provide low cost power, the solution comes from producing and using power in the same locale rather than building transmission lines. 801-01

Monopoly When the electrical industry was first developed in the United States to provide power for farms, homes and business, only large companies could afford the investment. Government protected that investment by granting monopolies. Since that time, our population has increased and citizens have access to many ways of generating power. However, ancient laws prevent neighbors from selling power across the public street to each other without paying a "wheeling charge." The wheeling charge has no justification in cost, and can only be described as a way of enforcing the monopoly. In Warren County, for example, the County installed a co-gen facility to support the County nursing home and County offices. A new office building was constructed on the other side of State Route 9. There is a conduit under Rt. 9 that could be used to provide power to the new offices, but the monopoly requires the County to connect to the public utility and pay the wheeling charge. So the co-gen has been partially shut down and is costing Warren County taxpayers while the County buys power for the new building from the public utility.

The 6 Cent Mandate During the term of President Carter there was an energy crisis. FERC mandated that the utilities would have to pay anyone who could produce power 6 cents per KWH. That seemed to the investor owned utilities like a number that entrepreneurs could not

801-01: Comment noted. The Applicant's objective for the proposed CHPE Project as merchant transmission facility would be to provide electrical energy, primarily hydroelectric and wind energy generated in Canada, to the New York City metropolitan area, which the Applicant states would result in lower wholesale electric power prices, reductions in emissions, greater fuel diversity, and increased energy supply capability and system reliability.

achieve and still make money. However, people started burning trash, developing abandoned hydro sites, and installing turbines from old jet engines run by natural gas to produce power. Then came solar, wind, waste heat recovery and numerous other innovative ways to produce cheap power. There was, in fact, so much of this so-called "cheap power" that the investor owned utilities had to purchase that they could not sell all the power their high cost plants could produce. In New York, the independent power market was wiped out with the stroke of a pen. The plan was called Power Choice. That plan effectively re-imposed the monopoly.

Con Ed Experience During the 6 Cent Period, a shareholder at the Con Ed Shareholders' Meeting asked the Chairman of Con Ed in an open forum when Con Ed would build another power plant. The Chairman replied that Con Ed sent out RFQs for 6 cent power, and received so many proposals that Con Ed would not have to consider building another plant for at least 50 years. Then Gov. Pataki signed Power Choice into law and destroyed the free market. There is no incentive to invest in power when there is only one potential customer.

Low Cost Solution to Our Power Needs Allow anyone who can produce power to sell to anyone who wants to buy power at the price the two parties agree upon. The telephone and gas transmission industries have already gone though this change, and reduced costs dramatically to the public. Only power is delivered by an ancient business model.

Benefits Changing from a central power plant design to a locally produced power plan will reduce power costs to consumers by 50% or more. Thousands of jobs will be created building co-generation, waste heat recovery and other power projects. Jobs will be created at home rather than being exported to Canada. Environmental issues will be avoided. Our national security will be improved by reducing the chance of black outs and cyber invaders from infiltrating the computer systems that control power. A local market will be created for gas from the Marcellus field. Innovative people like Blacklight Power in NJ who can produce power from water will finally have a market to propel their business. The potential for innovation and lower costs will be unlocked.

Given the changes that have already occurred in technology, another large, expensive transmission project cannot be justified. No Action should be taken on the Champlain Hudson Power Express Transmission Line Project.

Very truly yours,

Roger L. Jennings
President

Comment 802

October 24, 2013

Mr. Brian Mills
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue
SW, Washington, DC 20585

Re: The U.S. Department of Energy (has prepared a Draft Environmental Impact Statement

Email: Brian.Mills@hq.doe.gov

Dear Mr. Mills:

I was notified that written comments could be submitted via email, and so here are my comments, as a resident of the Hudson Valley in Cornwall, NY.

The analysis considers the potential environmental impacts from the proposed Federal action of granting a Presidential permit to Champlain Hudson Power Express, Inc. to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border in northeastern New York State. I believe many items need evaluation.

During construction and maintenance of the above ground towers, aesthetic impacts have been identified, I believe below ground facilities can produce visual and aesthetic impacts, as well and should be identified and evaluated. 802-01

In the event that construction or operation of the CHPE facilities results in a release of sewage, such as through inadvertently fracturing a 802-02

802-01: Construction of the proposed CHPE Project would result in temporary and negligible visual impacts or impacts on aesthetic resources from the presence of construction equipment. Because the transmission line would be buried underground, no aboveground towers are proposed for the proposed CHPE Project. Following construction, up to 16 cooling stations may be constructed at various intervals along the terrestrial portions of the route and would be visible; however, the cooling station buildings would be small (i.e., footprint of 128 square feet each) and would not change the existing character of the viewshed. The Applicant would install the transmission line via HDD techniques in certain terrestrial portions of the route, which would help maintain the visual integrity of the landscape.

802-02: There are two identified wastewater lines in the vicinity of the project route. One line has been identified at MP 297.3 and one line has been identified at MP 326.4. HDD techniques would be used to cross underneath both of these wastewater lines; therefore, no impacts are expected. If unknown sanitary sewer lines are discovered during construction activities for the proposed CHPE Project, appropriate BMPs and protocols would be used, including use of protective covering when installing the transmission line over existing infrastructure. Infrastructure owners would also be contacted during planning activities. Cable repairs would occur, as necessary, in one of two ways, depending on if it is an aquatic transmission cable repair or terrestrial transmission cable repair. Repair personnel for both situations would be preselected to save time, per the development of the ERRP. For more information on aquatic and terrestrial transmission cable repair see Section 2.4.13 of the EIS.

pipeline, what could be done if it was to produce substantial environmental impacts? 802-02

How will the cable be repaired if necessary?

The DEIS must address the potential for re-suspension of PCBs and other contaminants in the Mid and Lower Hudson River, due to the burying of cable in contaminated sediment. Some areas of cable may be buried by being mechanically plowed or dredged, this would increase the risk of of re-suspension. Resuspension of PCB's would impact wildlife and aquatic species. It would also impact many people that enjoy swimming, boating and fishing. 802-03

There are many endangered species that live in the area including bald eagles that breed near the Hudson. If there is a potential of disturbance to the nesting grounds or clearing of land in order for the route to be installed I hope that special attention is given to the evaluation of these impacts. 802-04

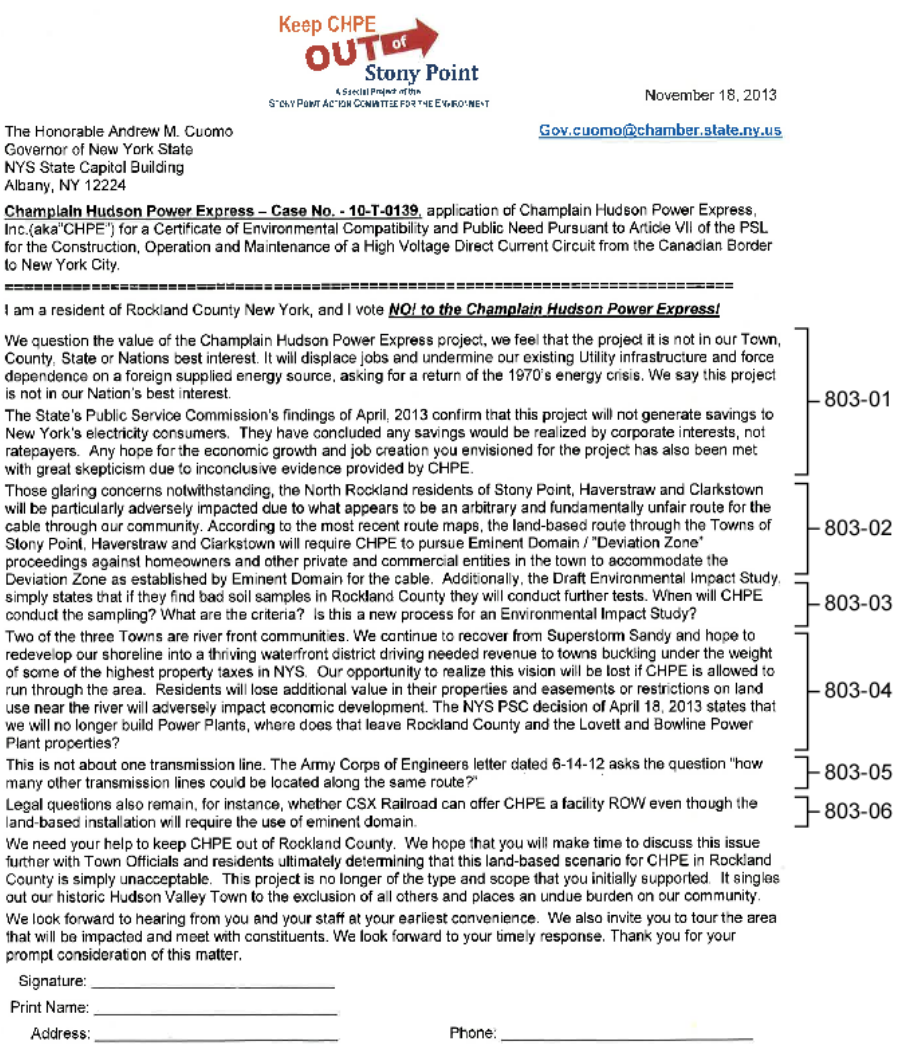
Sincerely,

Kathi Ellick
Cornwall, NY

802-03: Resuspension of PCBs as a result of the proposed CHPE Project was addressed in Section 5.3.3 of the EIS. The analysis includes modeling information that indicates a maximum concentration of PCBs for all Hudson River sections at 0.1 microgram per liter (µg/L). This PCB concentration would fall below the 0.5 µg/L threshold established by the USEPA.

802-04: Bald eagle breeding habitat has the potential to occur in Dutchess and Ulster counties along the Hudson River. Impacts on bald eagles are not expected to be significant because the aquatic route for the project would occur within the Hudson River, which is used extensively for shipping and recreational activities, and any on-land portion of the project would occur in existing ROWs. It is expected that nonbreeding bald eagles in the ROI have been habituated to disturbance and noise from existing noise sources.

Comment 803



Keep CHPE OUT of Stony Point
A Special Project of the Stony Point Action Committee for the Environment

November 18, 2013

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Gov.cuomo@chamber.state.ny.us

Champlain Hudson Power Express – Case No. - 10-T-0139, application of Champlain Hudson Power Express, Inc.(aka"CHPE") for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the PSL for the Construction, Operation and Maintenance of a High Voltage Direct Current Circuit from the Canadian Border to New York City.

==========

I am a resident of Rockland County New York, and I vote ***NO! to the Champlain Hudson Power Express!***

We question the value of the Champlain Hudson Power Express project, we feel that the project it is not in our Town, County, State or Nations best interest. It will displace jobs and undermine our existing Utility infrastructure and force dependence on a foreign supplied energy source, asking for a return of the 1970's energy crisis. We say this project is not in our Nation's best interest. 803-01

The State's Public Service Commission's findings of April, 2013 confirm that this project will not generate savings to New York's electricity consumers. They have concluded any savings would be realized by corporate interests, not ratepayers. Any hope for the economic growth and job creation you envisioned for the project has also been met with great skepticism due to inconclusive evidence provided by CHPE.

Those glaring concerns notwithstanding, the North Rockland residents of Stony Point, Haverstraw and Clarkstown will be particularly adversely impacted due to what appears to be an arbitrary and fundamentally unfair route for the cable through our community. According to the most recent route maps, the land-based route through the Towns of Stony Point, Haverstraw and Clarkstown will require CHPE to pursue Eminent Domain / "Deviation Zone" proceedings against homeowners and other private and commercial entities in the town to accommodate the Deviation Zone as established by Eminent Domain for the cable. Additionally, the Draft Environmental Impact Study, simply states that if they find bad soil samples in Rockland County they will conduct further tests. When will CHPE conduct the sampling? What are the criteria? Is this a new process for an Environmental Impact Study? 803-02 803-03

Two of the three Towns are river front communities. We continue to recover from Superstorm Sandy and hope to redevelop our shoreline into a thriving waterfront district driving needed revenue to towns buckling under the weight of some of the highest property taxes in NYS. Our opportunity to realize this vision will be lost if CHPE is allowed to run through the area. Residents will lose additional value in their properties and easements or restrictions on land use near the river will adversely impact economic development. The NYS PSC decision of April 18, 2013 states that we will no longer build Power Plants, where does that leave Rockland County and the Lovett and Bowline Power Plant properties? 803-04

This is not about one transmission line. The Army Corps of Engineers letter dated 6-14-12 asks the question "how many other transmission lines could be located along the same route?" 803-05

Legal questions also remain, for instance, whether CSX Railroad can offer CHPE a facility ROW even though the land-based installation will require the use of eminent domain. 803-06

We need your help to keep CHPE out of Rockland County. We hope that you will make time to discuss this issue further with Town Officials and residents ultimately determining that this land-based scenario for CHPE in Rockland County is simply unacceptable. This project is no longer of the type and scope that you initially supported. It singles out our historic Hudson Valley Town to the exclusion of all others and places an undue burden on our community.

We look forward to hearing from you and your staff at your earliest convenience. We also invite you to tour the area that will be impacted and meet with constituents. We look forward to your timely response. Thank you for your prompt consideration of this matter.

Signature: _____

Print Name: _____

Address: _____ Phone: _____

803-01: See the response to Comment 101-02 regarding jobs, and the response to Comment 708-02 regarding public interest.

803-02: See response to Comment 105-04.

803-03: As stated in Section 5.3.15 of the EIS, the Applicant would conduct pre-installation chemical sediment sampling in the Hudson River for use in post-installation monitoring, as specified in the NYSPSC Certificate for the proposed CHPE Project. In terrestrial portions of the Hudson River Segment, soil sampling would be conducted in areas where visual or olfactory evidence indicates the potential for elevated levels of contaminants in soil or groundwater. If contaminated soils are detected, the soils would be transported and disposed of in accordance with applicable regulations and standards (see Appendix G of the EIS).

803-04: Although the transmission line ROW could impact the margins of the developable areas, the proposed CHPE Project would not prevent the development of waterfront properties in the terrestrial portion of the Hudson River Segment. Property owners would receive just compensation for use of a portion of their property for the transmission line ROW. It is anticipated that easements negotiated with private landowners would be bilateral easements in which the Applicant and landowner mutually agree to the easement provisions. See Section 5.3.18 of the EIS for the discussion of property values within the terrestrial portion of the Hudson River Segment. See response to Comment 708-03 regarding the Lovett and Bowline power plants.

803-05: Other transmission system projects and the potential cumulative impacts from the proposed CHPE Project are discussed in Section 6.1 of the EIS.

803-06: See response to Comment 105-04.

Please mark the envelope and Title all responses "CHPE Draft EIS Comments"

Position	Name	Phone	Fax	E-mail	Capitol Address
Secretary to the Public Service Commission	Hon. Jaclyn A. Brilling	518-474-6530	518-486-6081	secretary@dps.ny.gov	NYS Public Service Commission Empire Plaza Agency Building 3 Albany, NY 12223-1350
Administrative Law Judge	Michelle Phillips	518-474-6517		Michelle.phillips@dps.ny.gov	As above
Administrative Law Judge	Kevin Casutto	518-474-4506		Kevin.Casutto@dps.ny.gov	As above
Governor	Gov. Cuomo	518-474-8390		gov.cuomo@chamber.state.ny.us	
Dept of Environmental Conservation- *DEC*	Joe Martens	518-402-8545		Joemartens@gw.dec.state.ny.us	Commissioner Martens 625 Broadway Albany, NY 12233-1011
Secretary of State	Cesar Perales	518-474-4752		cp@dos.ny.gov	
Web link for DOE documents	http://energy.gov/nepa/downloads/eis-0447-amended-notice-intent-prepare-environmental-impact-statement				
Senior Planning Advisor-	Brian Mills	202-586-8267	202-586-8008	Brian.Mills@hq.doe.gov	US Dept of Energy, Office of Electricity and Energy Reliability,(OE-20) 1000 Independence Ave, SW Washington, DC 20585
Director , Office of NEPA Policy & Compliance (GC20)	Carol M. Borgstrom	202-586-4600 or 1-800-472-2756	202-586-7031	askNEPA@hq.doe.gov	US Dept of Energy 1000 Independence Ave, SW Washington, DC 20585
US Senator	Charles Schumer	914-734-1532	914-734-1673	Cody_peluso@schumer.senate.gov	1 Park Place Suite 100 Peekskill, NY
US Senator	Kirsten Gillibrand	845-875-4585	845-875-9099	Susan_spear@gillibrand.senate.gov	P.O. Box 893 Mahopac, NY10541
Congressional Dist 19	Nita M. Lowey (D)	Rockland 845-639-3485	845-634-4079	67 North Main St. New City, NY 10956	
New York State Senator	William Larkin (R)	Rockland 845-567-1270		1093 Little Britain Rd New Windsor, NY, 12553	larkin@senate.state.ny.us
New York State Senator	David Carlucci	Rockland 845-623-3627		95 South Middletown Rd Nanuet,NY10954	Carlucci@nysenate.gov
96th District	James Skoufis (D)	Rockland 845-469-6929		11 Main St Chester, NY 10918	skoufis@assembly.state.ny.us
94th District	Ken Zebrowski (D)	District Ph- 845-634-9791		67 North Main St New City, NY 10956	Zebrowskik@assembly.state.ny.us
97th District	Ellen Jaffee	845-624-4601		Blue Hill Plaza, Ste. 1116 POB 1549 Pearl River, NY 10965	jaffeee@assembly.state.ny.us

Stony Point, New York July 1, 2013

DECLARATION OF INDEPENDENCE

FROM FOREIGN POWER

We, the gathered, do hereby and unanimously concur in our opposition to the Champlain Hudson Power Express power line and call upon the United States Congress and Army Corps of Engineers, for both historical and economic reasons, to reject this 330-mile electricity transmission line from Quebec to Queens, New York.

On behalf of our fellow Americans and New Yorkers we oppose the exportation of jobs, economic development and the resulting long-term reliance on foreign sources for our energy supply. We further strongly oppose the seizure of American property for the benefit of foreign interests and vehemently oppose the desecration of our historic area where laid to rest are American Patriots who died for our great nation in the Revolutionary War and War of 1812. 803-07

During the American Revolution, controlling the Hudson River was seen by the British as critical to dominating the American territories. Rockland, New York was also the site of the first formal recognition of the United States of America by the British.

The Battle of Stony Point took place on July 16, 1779 as 1,350 of General George Washington's Continental Army troops under the command of General Anthony Wayne defeated a British garrison at Stony Point. The British suffered heavy losses in a battle that was considered a huge victory in terms of morale for the Continental Army. The fort at Stony Point and Hudson River crossing site was critical in the colonies victory over Britain.

On May 5, 1783, General George Washington received British Commander, Sir Guy Carleton, in Rockland to discuss the terms of the peace treaty. Then on May 7, 1783, Sir Guy Carleton received General Washington aboard the British vessel Perseverance.

Rockland County played a critical role again in the War of 1812 against the British, turning out more soldiers in proportion than any other county in New York, including producing four generals and four Medal of Honor recipients.

We, the people of New York, find the proposed Champlain Hudson Power Express power line provides no economic opportunity for New York power generators, particularly those located in economically-distressed upstate communities, which need to supply electricity to other parts of the state in order to maintain jobs and keep our local economies viable.

The Champlain Hudson transmission line bypasses the entire New York State transmission system with a one-way, one-customer power line prohibiting any access and opportunity to other New York generators and the tens of thousands of workers they employ. 803-08

Because the project is un-economic by design, it can only move forward with New York taxpayer and ratepayer subsidized power purchase agreements that put New Yorkers at a disadvantage in a one-way "energy highway" relationship created only to benefit foreign investors, foreign workers and their greedy Wall Street financers.

We, New Yorkers, do hereby demand our elective leaders in Washington D.C. and the United States Army Corp of Engineers take immediate action to reject this project which will infringe on the landscape of our communities, desecrate sacred and historic communities, while devastating our economics, jobs and future.

This Canadian power and the exportation of New York jobs and economic development that it stands for must be reevaluated and rejected.

803-07: Comment noted. The proposed CHPE Project would not directly outsource any jobs to foreign countries. See response to Comment 121-03 regarding the Stony Point Battlefield Historic Site and Waldron Cemetery.

803-08: The New York State electricity market is regulated by the NYSPSC and the NYISO and, therefore, the pricing mechanisms for power purchases in the New York State electricity market are outside the scope of this EIS. NYSPSC identified in their Certificate issued for the proposed CHPE Project in April 2013 that "the Project would serve the public interest, convenience and necessity" and "increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices." Residents and businesses would experience cost savings from the annual reductions in wholesale energy market prices that would occur throughout the state as a result of the proposed CHPE Project's impact on electricity rates. See Section 5.1.18 of the EIS for additional information on this topic. Also see the response to Comment 708-03.

1. Indian Point
Nuclear Power Plants
2. Ramapo Fault
3. SPECTRA 44-Inch Natural Gas
High-Pressure Main
4. Champlain Hudson Power Express
1,000 MW Transmission Line
5. CSX $26 Million Dollar
Rail Extension Project
6. United Water Proposed
Hudson River Desalination Plant
Town of Stony Point
ShopRite
West Haverstraw
Elementary School
Haverstraw Landfil
Joint Regional Sew
Helen Hayes
Hospital
2013, Stony Point Action Committee for the Environment (SPACE) • www.StonyPointRockland.org • RocklandWater@gmail.com

A DVD was submitted as part of this comment. This DVD is available at request from the Department of Energy.

Comment 804

November 18, 2013

U.S. Department of Energy – Draft DEIS – Champlain Hudson Power Express

Stony Point Center

17 Cricket Town Road

Stony Point, NY 10980

I would like to take this opportunity to thank the Department of Energy for holding this public hearing regarding the Champlain Hudson Power Express. I especially want to thank Congresswoman Nita M. Lowey for her letter dated July 1, 2013 to Ms. Patricia Hoffman, Office of Electricity Delivery and Energy Reliability, alerting her to our important concerns regarding this project and asking her to hold a public hearing as part of the DEIS process. Congresswoman Lowey wanted to make sure we here in Rockland County had the opportunity to express our concerns and that our voices were heard by the DOE.

I would like to begin by saying that Transmission Developers, Inc. - USA is wholly owned by the **Blackstone Group**, one of the world's leading investment and advisory firms with earning assets under management in the hundreds of billions of dollars. Blackstone specializes in private equity and has emerged as one of the largest private equity firms in the world. **Blackstone Group** is the very same company who were the financial advisers to Mirant before, during and after the bankruptcy of the Bowline and Lovett Power Plants. The towns of Stony Point and Haverstraw are still struggling financially as a result of this.

Ms. Lowey rightly states in her letter, dated July 1, 2013 that originally the CHPE line was to run under the Hudson River for most of the project, including the southern section near Rockland County; but the route has been changed so that it now runs parallel to the CSX railroad tracks, which is strongly opposed by local residents, business groups, and elected officials. 804-01

Ms. Lowey further states that eminent domain **may** be used to take residential and commercial properties; let there be no doubt, eminent domain **must** be used to achieve CHPE's goals. This project is coming out of the Hudson River in two areas, one being Albany and the second one being in Rockland County, at the Stony Point Battlefield. The Stony Point Battlefield is one of the most significant historical sites in this nation. Battles won here against the British secured our freedom and granted us the right to call ourselves the **United States of America.** Many of our citizen-soldiers fought and died for our freedom and those who survived the harsh battles suffered unspeakable hardships, no food, lack of training, lack of equipment and clothing, but they persevered. Some of those who perished are buried in the Waldron Revolutionary Cemetery. Many of their descendants still live in our town to this day. 804-02

Our town has 2.2 miles of rail lines from the Battlefield to the Haverstraw Town line. Within this 2.2 mile run CHPE will be in the CSX ROW only 7/10ths of a mile; the rest of the time they will be on private, commercial, town, county, and state property. The only way to move this project forward is through Eminent domain, which is the primary reason for the New York State Public Service Commission's Article VII; it is weighted in favor of the applicant. Article VII gifts the applicant, CHPE, with wide discretionary powers with the way the information is submitted and the right to site the physical installation within 1/8 of a mile from the center rail; which is equivalent to the size of two football fields or 666 feet from the center rail in any direction of the proposed installation route with Eminent Domain clearing the way. CHPE and CSX have stated clearly in all their documents that they will maintain the right to lease the ROW, thereby making a profit off the taking of any land deemed necessary to complete their project. 804-03

804-01: The proposed CHPE Project transmission line was originally slated to be routed through the Hudson River in Rockland County, New York. The Applicant completed and submitted the Coastal Consistency Assessment Form to the NYSDOS on December 6, 2010, for concurrence on their finding that the proposed CHPE Project would be consistent with the policies of the New York State CMP. On June 8, 2011, the NYSDOS issued a Conditional Concurrence with Consistency Certification to the Applicant. In its concurrence, NYSDOS developed conditions that, if met, would allow the project to be consistent with the New York State CMP. Two of these conditions were that the transmission line not occupy any area within the Hudson River north of the southern boundary of the Inbocht Bay and Duck Cove SCFWH and that the transmission line be in a terrestrial, buried configuration around the Haverstraw Bay SCFWH. The Applicant incorporated these and other changes into the project and resubmitted an amended Presidential permit application to DOE in July 2011.

804-02: See response to Comment 105-04.

804-03: The siting of the transmission line in the State of New York, including the possible use of eminent domain, is within the purview of the NYSPSC under Article VII of the New York State Public Service Law. The NYSPSC has authorized the use of eminent domain for the Applicant to obtain limited easements or leases for the transmission line ROW in areas outside of the roadway and railroad ROWs if negotiations with private landowners are not successful.

The above mentioned properties generate approximately $1 million dollars in annual taxes for Stony Point. The CHPE project, according to a "Confidential Document for Settlement Discussions Pursuant to the Commission's Settlement Guidelines dated June 23, 2011, states and I quote "The rough estimate totals are as follows:

Rockland County, 7.66 miles estimated taxes - $796,640.00.

Please understand that this means Rockland County and **all** of the towns and school districts involved in this project will share this amount of money. Exactly how much in taxes will Stony Point get; we are unsure. The financial impact of this project could be catastrophic to this county and in particular to our town. Should this project go through many of our homes will be devalued, thereby costing the town perhaps several hundred thousand dollars of tax money yearly, as affected local homeowners within the deviation zone will file for tax reductions because their properties no longer maintain their original value. There is the distinct probability that future residential or commercial endeavors will be eliminated due to this project; thereby costing potentially millions of dollars in lost revenue to the Town of Stony Point further eroding our tax base. The CHPE project is a no win situation for our town, county, state and nation. 804-04

The CHPE project is not about just 1 transmission line, it is about a trough of transmission lines through this area which will effectively bypass NYS's entire energy infrastructure and will create a monopoly on electric, in one of the most expensive and volatile electric markets in the nation, New York City. According to a letter from the Army Corps of Engineers, dated June 14, 2012, they state that other entities have proposed similar projects and they have questioned "how many other transmission lines could be located along the same route? 804-05

804-04: For a response on potential impacts on landowners, the Town of Stony Point, and Rockland County, see response to Comment 810-08.

804-05: Comment noted. The goal of the CHPE project is to provide 1,000 MW of electricity to New York City, which will improve the stability of the electrical grid serving New York City. Also see response to Comment 810-09 for more information on the electricity market.

CHPE states 300 jobs will be created during the construction of this project. This is misleading information, there will be very few jobs, less than 30, and these highly skilled jobs will be filled by Canadian workers, not Americans.

We Americans can re-tool our infrastructures; re-build our own power houses, most notably the Lovett site and the Bowline Power Plant. We, the American people will then be able to keep American jobs in America where they belong! These long lasting jobs will bolster our local, county, state and national economies. I say let's keep American jobs in America! We do not need foreign power; we all know what happens when America becomes dependent on foreign energy. 804-06

804-06: See response to Comment 501-07.

I would also like to address the issue of safety regarding the CSX Railroad. CSX rails run through our town parallel to the proposed CHPE project. What will happen if there is a derailment and a subsequent explosion of the power cable contacting a derailed tanker car? In one such derailment outside of Baltimore, MD on February 6, 2011, a derailment damaged Verizon's equipment, disrupting land-line telecommunications services. The problems reached all the way to the U.S. Navy Base in Guantanamo Bay, Cuba, where pre-trial hearings were delayed for a day for 5 men charged with orchestrating and aiding the Sept. 11th attacks, because files on government servers were temporarily unavailable. We have an international underground telecommunications line spanning the Hudson River, just south of the Stony Point Battlefield. 804-07

These rails carry many different materials not the least of which are ethanol, heptane, and sulfuric acid , all of which are extremely volatile substances, some potentially deadly. In the event of a derailment can the hundreds of people living along the rail lines be evacuated quickly? Do our local fire departments have the necessary equipment, knowledge, and training to deal with such a situation? Where will the man power come from should this happen during the day when most of our volunteers fire personnel are at work? Is there even an evacuation plan in place, which by the way is a federal mandate.

804-07: The Applicant would locate the transmission line within the Canadian Pacific (CP) and CSX ROW and work with those organizations to minimize the chances that a derailment would impact the transmission line. The underground nature of the transmission line provides a high degree of protection and hiding that is not associated with aboveground transmission systems. In the event of a serious derailment, 1,000 MW of electrical service might be temporarily lost in the New York City metropolitan area from the proposed CHPE Project. See EIS Section 5.1.14 for discussion on public health and safety and potential train derailments.

Ladies and gentlemen I would like to state clearly that the New York State Public Service Commission's decision of April 18, 2013 clearly states there will be **no** jobs created by this project, **no** new conventional generation facilities will be built as a direct consequence of the decision, the use of eminent domain (aka /deviation **Zone) will be used to take NYS residents homes for foreign profit and there will** be **no** savings to the consumer, as these savings will be captured by the applicants and their financial backers and/or users of the Facility. No environmental Impact Statement study was done for the land installation for Rockland County. How do we recoup the lost tax revenue for the devaluation of our properties, should the CHPE transmission line in fact be built? 804-08 804-09

I believe that it is **imperative** the Presidential permit **not** be granted for the above listed reasons and I encourage the Department of Energy to **withhold this permit.** Please keep in mind we do not need this extension cord from Canada. I encourage you to deny this presidential permit for the CHPE project, indefinitely. 804-10

In closing I would like to say that we must be mindful of what precedents will be set if this project proceeds and more importantly what the effects on us will be. What kind of a legacy are we leaving future generations? Please understand once the damage is done to our environment there will be no turning back. Our homes, our majestic Hudson River and our communities will be **forever and irreparably changed.**

Rebecca J. Casscles

Rebecca J. Casscles

69 Beach Road

Stony Point, NY 10980

"JUST SAY NO COMMITTEE"

804-08: For information on job creation, see response to Comment 501-07. No new power generation facilities would be constructed as a result of this project because the proposed CHPE Project transmission line would span from Canada to New York City to provide 1,000 MW of power to the New York City metropolitan area market. The siting of the transmission line in the State of New York, including the possible use of eminent domain, is within the purview of the NYSPSC under Article VII of the New York State Public Service Law. The NYSPSC has authorized the Applicant the right to use eminent domain for this project, if required.

804-09: Impacts for terrestrial installation within Rockland County can be found in Sections 3.3 and 5.3 of the EIS. For information on recouping lost tax revenue, see response to Comment 113-02.

804-10: Comment noted.

Comment 805

11/19/2013 08:55 FAX 0001/0001

Comments For the CHPE EIS

Stony Point Public Hearing 11/18/13

Thank you to The Army Corp of Engineers and the DOE for hosting this Public Hearing.

I am Stephen Beckerle. For the purpose of this Public Hearing I will be wearing two hats.

A Resident Hat and a Business Owner Hat. Let's start with my Resident Hat.

My address is 49 Beach Road Stony Point NY. My property line borders the CSX ROW.

The house was built in 1838. The house has survived the Civil War, the building of the railroad,

and more recently it has survived super storm SANDY. I fear it will NOT survive the Champlain Hudson

River Express Project. This project is NOT good for the residents and the tax payers of Stony Point.

Now I will put on my Business Hat. I work for a family business that was started in 1940.

Beckerle Lumber currently employs 90 people in four locations in Rockland County NY.

Beckerle Lumber in 2012, paid more than 1.7 million in Real Estate & Sales taxes. This 1.7 million

Does NOT include, Payroll, Income, FICA, SS, Medicare, Workman's Comp, State, City, and

the dreaded MTA tax. This 1.7 million ALSO does NOT include any of the taxes our workforce

pays to live and work here. Why am I bringing this up?

The Champlain Hudson Power Express line will be running right alongside our 5.0 acre property

in Haverstraw. I know 1.7 million isn't a lot when compared to the 2.2 billion project proposed by

TDI. It's even less when compared to the, 4 trillion dollar, for-profit-project-backer, Blackrock.

Blackrock the primary backer of this project had net income of 2.4 billion in 2012.

I believe this project if allowed to proceed will just be the start of our local community being

Overrun by the "BIGS".

Recent U.S Treasury estimates show $400-$500 billion is available in uncommitted capital in the US

Investment community. We don't want our community to become a blight so the "for profit"

transmission highway industry can prosper at our expense.

Our government officials are sworn to protect our rights. Do your job. Thank you.

Stephen Beckerle 11/18/13

Beckerle Lumber
59 Westside Av Haverstraw NY 10927

805-01 **805-01:** See response to Comment 501-04.

From: Stephen Beckerle [mailto:stephen.beckerle@beckerlelumber.com]
Sent: Wednesday, January 15, 2014 8:27 AM
To: Mills, Brian
Subject: CHPE EIS opposition

Mr. Brian Mills,
I am opposed to the proposed CHPE project coming on land in Rockland County NY.
I am adversely affected both as a resident and a business owner living and working
in Rockland County NY.

My residence is 49 Beach Road Stony Point NY 10980.
The house was built in 1835. The house has survived the civil war, the building of the railroad,
and more recently it has survived super storm SANDY. I fear it will NOT survive the Champlain Hudson
River Express Project.. My property line borders the CSX ROW where the proposed transmission line
will run. The proposed CHPE route puts my home at risk.

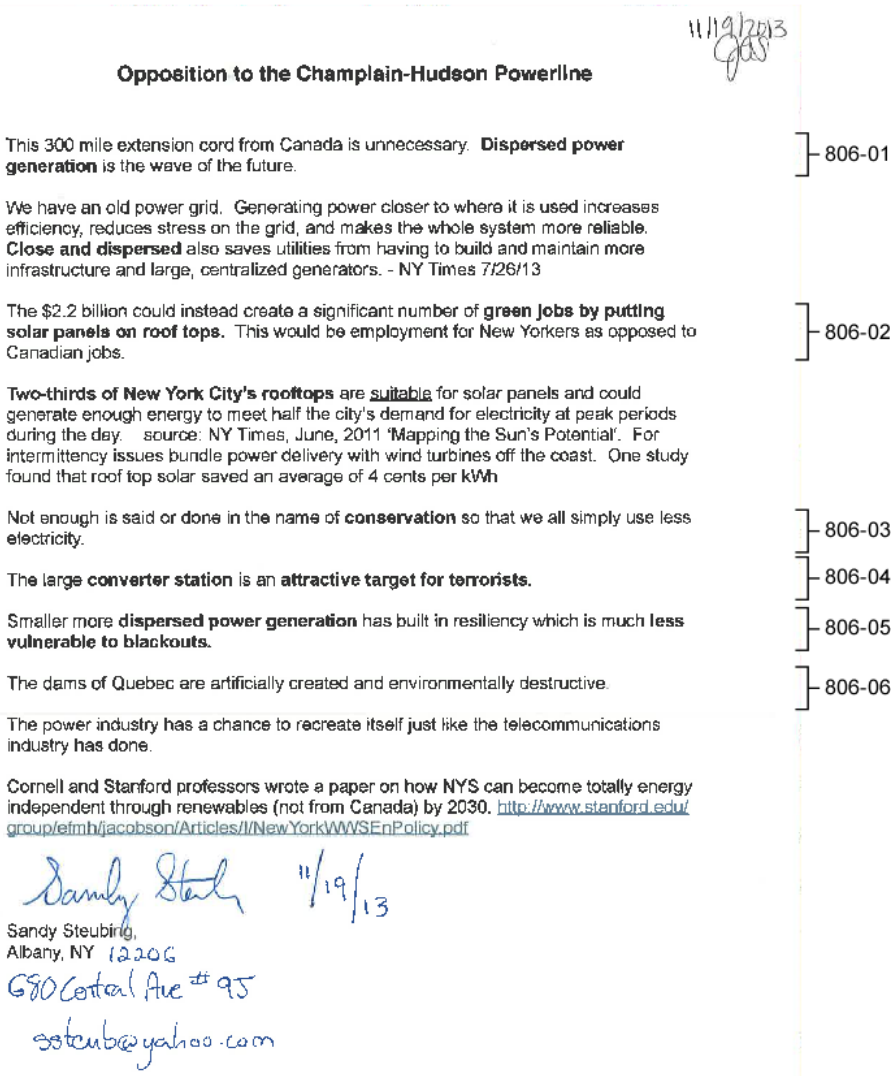
My business is Beckerle Lumber Supply Co. Inc. 59 Westside Avenue Haverstraw NY 10927.
In 2012, Beckerle Lumber paid over 1.7 million dollars in Real Estate and Sales Taxes. More
recently, in 2013, we paid over 1 .8 million dollars in Real Estate and Sales Taxes. The proposed line
will be running right alongside our property in Haverstraw, threatening the viability of running our
business there.

805-02

Stephen Beckerle
www.beckerlelumber.com
845-942-1492
BECKERLE
Lumber Supply
https://www.facebook.com/beckerlelumber
http://www.beckerlelumber.com

805-02: The transmission line itself is expected to remain in the transmission line ROW along the property discussed in the comment. The extreme northeast corner of the property is identified as a potential deviation area and does not appear to be occupied by a structure. Any required easements would be negotiated with the landowner. It is unlikely that there would be a substantial impact on a business as any potential impact would be limited to the extreme corner of the property.

Comment 806



11/19/2013 gas

Opposition to the Champlain-Hudson Powerline

This 300 mile extension cord from Canada is unnecessary. **Dispersed power generation** is the wave of the future. 806-01

We have an old power grid. Generating power closer to where it is used increases efficiency, reduces stress on the grid, and makes the whole system more reliable. **Close and dispersed** also saves utilities from having to build and maintain more infrastructure and large, centralized generators. - NY Times 7/26/13

The $2.2 billion could instead create a significant number of **green jobs by putting solar panels on roof tops.** This would be employment for New Yorkers as opposed to Canadian jobs. 806-02

Two-thirds of New York City's rooftops are suitable for solar panels and could generate enough energy to meet half the city's demand for electricity at peak periods during the day. source: NY Times, June, 2011 'Mapping the Sun's Potential'. For intermittency issues bundle power delivery with wind turbines off the coast. One study found that roof top solar saved an average of 4 cents per kWh

Not enough is said or done in the name of **conservation** so that we all simply use less electricity. 806-03

The large **converter station** is an **attractive target for terrorists.** 806-04

Smaller more **dispersed power generation** has built in resiliency which is much **less vulnerable to blackouts.** 806-05

The dams of Quebec are artificially created and environmentally destructive. 806-06

The power industry has a chance to recreate itself just like the telecommunications industry has done.

Cornell and Stanford professors wrote a paper on how NYS can become totally energy independent through renewables (not from Canada) by 2030. http://www.stanford.edu/group/efmh/jacobson/Articles/I/NewYorkWWSEnPolicy.pdf

Sandy Steubing 11/19/13

Sandy Steubing,
Albany, NY 12206
680 Central Ave #95
ssteubing@yahoo.com

806-01: Comment noted. In issuing its Certificate, the NYSPSC determined that the proposed CHPE Project was needed and found that "… as an additional transmission interface into the City of New York, the Project will (1) alleviate existing transmission constraints, (2) protect the security of the transmission network, (3) enhance system reliability, and (4) enhance fuel diversity." The source of the electrical power to be transmitted through the proposed CHPE Project transmission line is outside the scope of the EIS.

806-02: See response to Comment 133-10.

806-03: Comment noted. Energy-efficiency and conservation measures were considered but eliminated from further detailed analysis because DOE determined that these measures alone were not a reasonable alternative to the proposed CHPE Project (see Section 2.5.3 of the EIS).

806-04: The potential for intentionally destructive acts, such as terrorism, was analyzed in Section 5.1.14 of the EIS, but is unpredictable. Although the Luyster Creek HVDC Converter Station would be aboveground, the risk from terrorism activity would be no greater than similar infrastructure associated with aboveground transmission lines or other energy facilities.

806-05: Comment noted. The source of the electric power to be transmitted through the proposed CHPE Project transmission line is outside the scope of the EIS.

806-06: Comment noted. DOE determined that evaluating potential impacts in Canada is considered outside the scope of the EIS (see Section 1.7.3 of the EIS). See response to Comment 133-01 for more information regarding the analysis of potential impacts in Canada.

Solar PV Beats Grid Prices in New York City
source: John Ferrell of the Inst. for Local Self-Reliance, June 2011
$0.25
$0.20
$0.15
$0.10
$0.05
$0.00
$0.20
$0.16
$0.12
$ per kWh
Average Residential Electricity Rate
Solar Cost (with ITC) (Investment Tax Credit)
Solar Cost (with ITC and depr.)
NYC SOLAR MAP
NYC Solar Capacity (December 2012)
Annual Energy Generation
A plane equipped with a laser system made nine flights to map the city and collect information. They found that 2/3 of New York's rooftops suitable for solar panels.
source: CUNY via NY Times

Comment 807

From: Jim Fitzgerald [mailto:fitzgerald@okonite.com]
Sent: Friday, November 22, 2013 12:51 PM
To: Mills, Brian
Subject: CHPE DRAFT EIS Comments

Mr Mills,
Re the Draft

1. The selection of XLP as the cable insulation and the stated temperature ratings should be reviewed. The ratings stated as 90C normal and 130C Emergency should be 75C Normal and 90C Emergency. XLP goes through a phase change at 103C becoming soft. If operated at the stated temperatures, the cable can go out of round presenting higher stresses to the insulation leading to failure. The suggested revised temperature ratings in turn lower the power ratings. — 807-01
2. At the transition from the river installation to the land(terrestrial) how will the cable transition from water to land? Is the intention to use a buried manhole or an above ground switching station. — 807-02
3. Is the land cable construction the same as the water cable design? — 807-03
4. The land cable is planned to be direct buried. It would better serve a reliability characteristic if the land cable is installed in underground duct/conduit. This will permit simple excavation along the route and an efficient closing of the trench. The cable lengths can then be installed more at the projects convenience as opposed to leaving long lengths of trench open and waiting to close the trench at the completion of the circuit's system test. The manholes can then accommodate the necessary splicing of cable lengths. Having the cable installed in underground conduit should also provide the cable a better sense of physical protection along the RR right of way and minimize the significant vibrations generated by the freight train traffic. — 807-04
5. What happens to the cable route in the area of the Tappan Zee Bridge construction. At the present time there are a considerable number of construction barges anchored along the northern side of the existing bridge. Many of these barges will move along as the construction progresses. Burying the cable 4 feet below the river bottom does not seem to be adequate in this major construction lay-down areas. — 807-05
6. How many factory splices are expected during cable production? How many land splices are planned for the terrestrial installation. — 807-06

Jim Fitzgerald
Retired Engineer-The OkoniteCompany

807-01: As a HVDC transmission line, the proposed CHPE Project's proposed normal and emergency operating temperatures are far below the 194 °F (90 °C) and 266 °F (130 °C), as mentioned in the comment (note that temperatures for an alternating current line [HVAC] are 194 °F [90 °C] and 221 °F [105 °C] respectively). The proposed CHPE's HVDC cables would be designed to operate at normal temperature of 158 °F (70 °C). Under limited durations (i.e., maximum of 2 hours) of emergency overload conditions, the temperature would be limited to 176 °F (80 °C). These temperature limitations are set to limit the electric stress across the insulation of HVDC cables. The operating temperature statement was clarified in Sections S.6.2 and 2.4.9 of the Draft EIS.

The conductor temperatures under normal and emergency operating conditions would be below the 217 °F (103 °C) level cited in the comment. Although cross-linked polyethylene (XLPE) cables go through a "phase change" at 217 °F (103 °C), it is important to mention that its mechanical properties remain unchanged. Based on the April 2012 CIGRE (International Council for Large Electric Systems) Technical Brochure 219 (Recommendation for Testing DC Extruded Systems for Power Transmission at Rated Voltages up to 500 kV, April 2012), HVDC XLPE insulated cables can adequately perform at temperatures up to 203 °F (95 °C).

807-02: At each transition from the river (aquatic) to upland (terrestrial) portions of the route, buried transition vaults would be employed. Transition (or splice) vaults at these water-to-land transition points are typically 35 feet (10.7 meters) by 9 feet (2.7 meters) by 8 feet (2.4 meters) segmental precast reinforced concrete assemblies installed to facilitate splicing. After splicing is completed, the vaults would be filled with sand or fill that allows liquid to flow through.

The transition vault would house the transition joints (from aquatic to terrestrial cables) and the anchoring system of the aquatic cables. Transition vaults are similar to all the regular "joint bays" used to

house other cable joints along the upland portions of the line. They are buried below grade and covered with concrete slabs. Their locations would be clearly identified to ensure public safety.

807-03: As described in Section 2.4 of the EIS, the terrestrial and aquatic cables are of different design.

807-04: Comment noted.

807-05: The Applicant would coordinate cable installation activities within and around the Tappan Zee Bridge project with the NYSDOT.

807-06: An estimate of the number of terrestrial cable splices (more than 400) is provided in Section 2.4.10.2 of the EIS.

Comment 808

Keep CHPE OUT of Stony Point

A Special Project of the
STONY POINT ACTION COMMITTEE FOR THE ENVIRONMENT

The U.S. Department of Energy (DOE) has prepared a Draft Environmental Impact Statement (EIS). The analysis considers the potential environmental impacts from the proposed Federal action of granting a Presidential permit to Champlain Hudson Power Express, Inc. (CHPE) to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border in northeastern NY State.

DOE Public Hearing:

When: Monday, November 18, 2013
Where: Stony Point Center
Address: 17 Cricket Town Rd, Stony Point, NY 10980
Time: 6:00 PM

The Draft EIS can be reviewed at the Rose Memorial Library, Stony Point or online at http://chpexpresseis.org/library.php.

Comments on the Draft EIS can be submitted verbally during public hearings or in writing, please title all documents, envelopes & e-mail subject lines as "*CHPE Draft EIS Comments.*" – Respond to:

Mr. Brian Mills
Office of Electricity Delivery and Energy Reliability (OE-20),
U.S. Department of Energy,
1000 Independence Avenue, SW,
Washington, DC 20585;
via e-mail to Brian.Mills@hq.doe.gov;
by facsimile to (202) 586-8008;

OR at https://chpexpresseis.org.

Written comments must be received by December 15, 2013. Comments submitted after that date will be considered to the extent practicable.

Any questions please call- Susan Filgueras 845-429-3229 sfilgueras@optonline.net

Stony Point, New York July 1, 2013

DECLARATION OF INDEPENDENCE

FROM FOREIGN POWER

We, the gathered, do hereby and unanimously concur in our opposition to the Champlain Hudson Power Express power line and call upon the United States Congress and Army Corps of Engineers, for both historical and economic reasons, to reject this 330-mile electricity transmission line from Quebec to Queens, New York.

On behalf of our fellow Americans and New Yorkers we oppose the exportation of jobs, economic development and the resulting long-term reliance on foreign sources for our energy supply. We further strongly oppose the seizure of American property for the benefit of foreign interests and vehemently oppose the desecration of our historic area where laid to rest are American Patriots who died for our great nation in the Revolutionary War and War of 1812. 808-01

During the American Revolution, controlling the Hudson River was seen by the British as critical to dominating the American territories. Rockland, New York was also the site of the first formal recognition of the United States of America by the British.

The Battle of Stony Point took place on July 16, 1779 as 1,350 of General George Washington's Continental Army troops under the command of General Anthony Wayne defeated a British garrison at Stony Point. The British suffered heavy losses in a battle that was considered a huge victory in terms of morale for the Continental Army. The fort at Stony Point and Hudson River crossing site was critical in the colonies victory over Britain.

On May 5, 1783, General George Washington received British Commander, Sir Guy Carleton, in Rockland to discuss the terms of the peace treaty. Then on May 7, 1783, Sir Guy Carleton received General Washington aboard the British vessel Perseverance.

Rockland County played a critical role again in the War of 1812 against the British, turning out more soldiers in proportion than any other county in New York, including producing four generals and four Medal of Honor recipients.

We, the people of New York, find the proposed Champlain Hudson Power Express power line provides no economic opportunity for New York power generators, particularly those located in economically-distressed upstate communities, which need to supply electricity to other parts of the state in order to maintain jobs and keep our local economies viable.

The Champlain Hudson transmission line bypasses the entire New York State transmission system with a one-way, one-customer power line prohibiting any access and opportunity to other New York generators and the tens of thousands of workers they employ. 808-02

Because the project is un-economic by design, it can only move forward with New York taxpayer and ratepayer subsidized power purchase agreements that put New Yorkers at a disadvantage in a one-way "energy highway" relationship created only to benefit foreign investors, foreign workers and their greedy Wall Street financers.

We, New Yorkers, do hereby demand our elective leaders in Washington D.C. and the United States Army Corp of Engineers take immediate action to reject this project which will infringe on the landscape of our communities, desecrate sacred and historic communities, while devastating our economies, jobs and future. 808-03

This Canadian power and the exportation of New York jobs and economic development that it stands for must be reevaluated and rejected.

808-01: See response to Comments 105-04, 501-07, and 501-12 for information on eminent domain, job creation, and economic impacts, respectively, regarding this project.

808-02: See response to Comment 501-04 for economic impacts related to this project.

808-03: Comment noted. The Final EIS addresses the potential environmental impacts on visual resources (see Section 5.3.11), socioeconomics (see Section 5.3.18), and cultural resources (see Section 5.3.10) in Rockland County.

Comment 809

Mr. Brian Mills
Department of Energy
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S.Department of Energy
1000 Independence Ave, SW
Washington, DC 20585

US Department of Energy
DEC - 6 2013
Electricity Delivery and Energy Reliability

Can be submitted via email to: Brian.Mills@hq.doe.gov

Request to the DOE and USACE for extension of comment period, ***"Draft EIS Comments"***

Mr. Mills,

This letter serves to reiterate the multiple requests at the Public Hearing on Nov 18, 2013, in the Town of Stony Point for a reasonable extension of 180 days for the comment period. In NYS the Developers for proposed power plants are required to provide intervener funds for the impacted communities. In this case there are no intervener funds from the developer which would allow the residents, business owners and other stake holders to hire experts to review and respond adequately to the "Draft EIS Comments" to both the DOE and USACE. 809-01

The venue for the Hearings in both Stony Point and Queens were not the most appropriate. The Hearing in Queens was not within the impacted community. The Hearing in Stony Point would have been better held in the local Middle School, more seating and better parking, residents who came and could not get through the "orange shirts" in the hallway would not have left. 809-02

Public Notice in Rockland County was not adequate. For example, when the Stony Point Center, was called they could not confirm the Hearing on Monday Nov 18, 2013, was for the Champlain Hudson Power Express, DOE Hearing. Apparently the Hearing Notice distribution within Rockland County was inconsistent; some received a simple sheet of paper with a sticker, easily lost in the general bulk mail. 809-03

There was no outreach and translated information for our Hispanic population. 809-04

Stony Point was promised by CHPE that they would not go through the Waldron Revolutionary and War of 1812 Cemetery, the maps in the DEIS show differently. 809-05 There are many contradictory installations issues, that require due diligence. There is also the Army Corps of Engineers filing, where do we find that? The instructions did not specify that in fact there are two responses required, one for the DOE and one for the USACE. The documents that were supplied at the meeting did not constitute the entire filing, only a certain segment of the DOE DEIS? Are the USACE documents different than the DOE documents? 809-06

I have sent the attached request to the New York State Public Service Commission, regarding the new trajectory of the CHPE project. (See attached)

We are respectively requesting the extension based on the above reasons.

Resident: Diane Beichert
Address: 33 Seng stacken Dr, Stony Pt. N.Y 10980
Phone: 848-942-4152
E-mail: ____________

The Just Say NO! to the Champlain Hudson Power Express Committee

Susan Filgueras	87 Mott Farm Rd	Tomkins Cove, NY 10986	845-429-3229	SFILGUERAS@OPTONLINE.NET
Laurrie Cozza	205 Wayne Ave	Stony Point, NY 10980	845-269-3979	cozzafesta@optonline.net
Rebecca&Wellington Casscles	69 Beach Rd	Stony Point, NY 10980	845-786-5416	casscleselec@aol.com
Annie Wilson	351 Broadway, 3rd fl.	New York, NY 10013	212-388-9870	awilsonenergy@gmail.com

809-01: See response to Comment 303-01. The availability of intervener funds from the developer is outside the scope of this EIS.

809-02: See response to Comment 703-06.

809-03: See response to Comment 703-07.

809-04: See response to Comment 109-03.

809-05: See response to Comment 121-03.

809-06: See response to Comment 703-10.

Comment 810

December 9, 2013

Mr. Brian Mills, NEPA Document Manager
Office of Electricity Delivery and Energy Reliability (OE-20)
U. S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Request to the DOE and USACE for extension of comment period,

DOE: ***"Draft CHPE EIS Comments"***

USACE: ***NAN-2009-01089-EYA***

Dear Mr. Mills,

We would like to start this letter by letting you know that we are vehemently opposed to the Champlain-Hudson Power Express. We would also like to request a 180 day extension in order to be able to read and digest volumes 1-Impact Analyses and Volume 2-Impact Analyses of the USDOE, Champlain Hudson Power Express Transmission Line Project. We are neither lawyers nor engineers we are lay people; I am sure you will agree these filings can be difficult for anyone to digest. 810-01

November 18, 2013, a public hearing regarding the Champlain-Hudson Power Express was held at the Stony Point Center, 17 Cricketown Road, Stony Point, NY. This was at best a very poor, but well thought out location for Mr. Jessome and TDI; the meeting was held in an arena that offered very limited parking to the public. In addition to this Mr. Donald Jessome, CEO, of Transmission Development, Inc., had hired the center to host a dinner for approximately 220 members of Laborers' Union, 274, thus ensuring that most of the available parking would be taken up by union members, virtually leaving very few slots for parking so that many people in opposition to this project were not able to find spaces available to park. The James A Farley Middle School would have been a much better space given it has ample parking and other meetings had been held there in the past. Those meetings accommodated over 300 plus people with more than ample parking for all, also the residents of Stony Point who arrived later and saw the sea of Union members in orange tee shirts - would have not been so intimated and left. 810-02

We would also like to comment on the fact we were given a three minute opportunity to voice our opposition to this project, which is really disturbing. How can one be expected to give testimony regarding this huge project in a matter of three short minutes. We were told that if we couldn't finish our testimony in three minutes we could go to the end of the line and after everyone had spoken we could then finish our statements. We did this but it was extremely difficult because our testimony was fragmented at best. We are hopeful that our passion for our town and our objections to this project were heard loud and clear. 810-03

810-01: See response to Comment 303-01.

810-02: Comment noted. See response to Comment 703-06 for information on the hearing location criteria and an explanation of why Stony Point Center was selected as a hearing location. Any comment that was not submitted at the public hearing could be submitted via other means as identified on the CHPE EIS Web site and other media.

810-03: Comment noted. The practice of keeping verbal comments limited to 3 minutes is commonly used at public hearings and is intended to ensure that the hearing continued at an appropriate pace, giving all people who wanted to comment on the project an opportunity to do so. Due to the number of people who attended the meeting, it was appropriate to have such a time limit on each speaker. Speakers were offered another chance to speak again toward the end of the hearing after all those who signed up to speak had been heard once. All verbal comments were recorded by a court reporter and all meeting attendees were encouraged to either submit their written comments at the hearing, by mail or email, or submit their comments online through the CHPE EIS Web site.

We have been opposed to this project since we first heard about it at the April 2012 Stony Point Town Board meeting, as there was no notification given to any property owners on this route in the Town of Stony Point, regarding the taking of our properties. 810-04

The NYS Public Service Commission decision for approval of the CPHE project, granted on April 18, 2013, generously gifted CHPE with a 1/8 mile (666 feet) deviation zone in any direction from the center rail of the CSX railroad. The Article VII application, which is rooted in the Eminent Domain Law, will allow CSX Railroad to take our properties without our consent. This is a travesty of justice to think that CSX will be able to take our property without our consent to be used by a foreign entity. How can CSX offer a ROW for the land installation throughout the State of New York when the ROW was never wide enough for to accommodate CHPE's transmission lines and meet CSX's construction guidelines? Through Eminent Domain that's how. 810-05

Our town has 2.2 miles of rail lines from the Stony Point Battlefield to the Haverstraw town line; within this 2.2 mile run CHPE will be in the CSX ROW only 7/10ths of one mile; the rest of the time they will be on private, commercial, town, county, and state property. The only way to move this project forward is through Eminent Domain, which is the primary reason for the New York State Public Service Commission's Article VII; it is weighted in favor of the applicant. Article VII gifts the applicant, CHPE, with wide discretionary powers with the way the information is submitted and the right to site the physical installation within 1/8 of a mile from the center rail or 666 feet from the center rail in any direction of the proposed installation route with Eminent Domain clearing the way. 810-06

When was the deviation zone approved and by whom? When did New York State residents decide to give their property away for a foreign transmission line? We certainly have not nor do we have any intentions to do so. This project will do nothing to help this town, county, state or this nation, except to make us once again dependent on foreign energy and we all know how well that has worked in the past. 810-07

The 2.2 miles of property in Stony Point yield an estimated $1.2 million dollars annually in simple property taxes and this is merely using just the homes and businesses that border the railroad. The CHPE project has estimated according to a "Confidential Document for Settlement Discussions Pursuant to the Commission's Guidelines;" states approximately $796,640.00 annually to be paid to the three Towns, County, and three School Districts equals $113,805.70 each, if divided equally. The above mentioned properties currently generate approximately $1.2 million dollars annually for the Town of Stony Point. CHPE's stated tax revenues are significantly less than what is currently being paid. Furthermore the Town will lose more revenue as each individual touched by this project asks for a reduction in taxes because our properties will be worth significantly less. 810-08

The CHPE project is not about just one transmission line, it is about a trough of transmission lines through this area which will effectively bypass NYS entire energy infrastructure and will 810-09

810-04: In 2010, the proposed CHPE Project transmission line was proposed to be routed in the Hudson River through Haverstraw Bay. Through its CZMA Consistency Review, NYSDOS developed conditions that, if met, would be consistent with the New York State CMP. One of these conditions was that the transmission cable would not be routed through Haverstraw Bay, but routed instead in the terrestrial area around Haverstraw Bay to protect SCFWHs. These changes were incorporated into the proposed CHPE Project design and were resubmitted with an amended Presidential Permit application to DOE in July 2011. The Joint Proposal was issued in 2012 with these design changes to the route alignment. Notification of the Joint Proposal was provided via the CHPE EIS Web site, *Federal Register* notice, and the email distribution list.

810-05: Comment noted. The siting of the transmission line in New York State, including the possible use of eminent domain, is within the purview of the NYSPSC under Article VII of the New York State Public Service Law. The NYSPSC has authorized the Applicant the right to use eminent domain for this project, if required.

810-06: See response to Comment 105-04.

810-07: The deviation zone, or deviation area, is an area where the transmission line can deviate from the existing railroad ROW if engineering constraints or some other form of obstacle dictates. The deviation area is approved by NYSPSC. The Applicant would negotiate with landowners regarding just compensation (see response to Comment 105-04).

810-08: Private landowners would be compensated for the use of their land to bury the transmission line and, if appropriate, to offset a potential reduction in property values. It is possible that municipal tax revenues from property taxes could also change; however, such changes would be expected to be minimal. Increases in wages and taxes and purchases of goods and services in the project area would be expected from workers employed for maintenance and repair activities. Municipalities

create a monopoly on electric, in one of the most expensive and volatile electric markets in the nation, New York City. By The Army Corp of Engineers own letter dated June 14, 2012 you state that other entities have proposed similar projects and you have questioned "how many other transmission lines could be located along the same route?". An interesting question one that we would like the answer to before the Presidential Permit is ever issued. 810-09

The CHPE transmission line is coming out of the Hudson River on to land at the site of the Stony Point Battlefield, one of the most important and significant historical sites in this nation. It is here that battles were begun in 1775 being fought by citizen-soldiers and would last 5 years. There would be five years of battles and significant deprivation to our forefathers ultimately resulting in defeating the most powerful army of the age and winning independence for this new country, the United States of America. Many of our local citizen-soldiers are buried in the Waldron Revolutionary War and the War of 1812 cemetery located west of the CSX Railroad ROW, and numerous members of their ancestors are still living in this town to this day. There are over 200 bodies in this cemetery, many without any headstones because of the length of time they have been interred. The cemetery is in the deviation zone for this project, our committee the "Just Say No to CHPE" informed Mr. Jessome about the cemetery and its historical importance and we informed him about the many burial plots that were disturbed in the mid 1800's when the railroad came through and the bodies were moved and disposed of, what a horrible tragedy for our nation. More bodies were disturbed when Orange & Rockland Utilities, Inc. constructed high-tension lines through our town. When the cemetery was mentioned as being in the way of this project Mr. Jessome's answer to the problem was "We'll just shoot a bullet under the graves"; a distasteful and most irreverent insult to our forefathers. This is a highly sensitive matter and we in this town take this very seriously and were deeply offended by this remark. 810-10

Next we must discuss the jobs issue. The NYSPSC decision (Pg. 84 Pp. 3) states "The Applicants' evidence on job creation was incomplete in a fundamental way" and further states "the record is void on the critical question of whether those jobs would be offset , or more than offset, by the jobs displaced at the conventional generational facilities that **WILL NOT** be built as a consequence." New generating stations can be built in this state and some can be re-tooled thereby creating hundreds of new jobs. Why not put **American workers** back to work allowing them to improve or to create the new infrastructure we need, thereby making us **energy independent.** This is what will increase local and state tax bases over the long haul. 810-11

The Town of Stony Point has been nearly bankrupted by the Blackstone Group, which owns Transmission Developer's, Inc. The Blackstone Group is the very same company that were the financial advisors to Mirant Corporation, when they filed for Bankruptcy. Blackstone was the financial advisor to Mirant before, during, and after the bankruptcy of the Lovett and Bow Line Power plants. The towns of Stony Point and Haverstraw will continue to struggle financially as a result of this. In addition Blackstone is the company representing United Water, GDF Suez, which is attempting to build a desalination plant which converges on the Stony Point and Haverstraw town line. This is yet another project that will most assuredly help to deepen the town's financial crisis. 810-12

would not collect real property taxes on any portions of the proposed CHPE Project that would occur on state lands. Residents and businesses in the Hudson River Segment would also experience cost savings from the annual reductions in wholesale energy prices associated with the proposed CHPE project.

810-09: The proposed CHPE Project transmission line would deliver 1,000 MW of electricity into the New York City power market, which would save ratepayers in this area approximately $405 million to $720 million per year. It is also estimated that power being delivered would be of lower cost than other available sources, thus leading to competitive pricing among electricity providers.

810-10: See response to Comment 121-03.

810-11: Comment noted. Construction of new power-generating stations is not within the scope of this EIS. See response to Comment 501-07 for information on job creation as a result of this project.

810-12: See response to Comments 501-04 and 810-08 for information on potential socioeconomic impacts on Stony Point.

CSX Railroad has also undertaken a $26 million dollar rail rehabilitation project in this same area. We have been personally approached by CSX, three times, in an effort to lease them the identical piece of property that CHPE wants from us. We have refused and we will continue to refuse. We were told by William Braman of CSX Real Estate, Jacksonville, FL., that CSX will use Eminent Domain to obtain the property they want; is this an intimidation tactic being used to force us to something we do not want to do?

On page 2 of the Joint Proposal CHPE states – "none of the provisions of the JP are opposed by any land owners along the route other than at the location of the Converter Station, by any municipalities or residents along the route, or by any business entities outside of the electric power industry." FALSE! How can CHPE state that there is no objection to their project and that they say they have overwhelming support when so many people in Rockland County and entities have come out against this project? 810-13

The Rockland Legislature came out against this project on June 12, 2012 with Resolution 10 C 1 that was signed by every legislator (16) expect one that has ties to the local utility company. Our current County Executive, Scott Vanderhoff as well as our newly elected County Executive, Edward Day have stated numerous times that they are against this project. The current members of the Town of Stony Point Town Board, as well as the newly elected members of the board, are and have been solidly against this project from the beginning. Geoff Finn, Town Supervisor of Stony Point and Howard Phillips, Town Supervisor of Haverstraw have been against this project and continue to object to it.

Congresswoman Nita Lowey alerted Ms. Patricia Hoffman, Office of Electricity Delivery and Energy Reliability, in a letter dated July 1, 2013 of our numerous concerns and wanted to make sure our voices were heard, please hear us now before it is too late.

New York State Senators William Larkin, David Carlucci, and New York State Assemblyman James Skoufis all have opposed this project, and have said so many times and they continue to support our efforts against this project to date.

On July 1, 2013, Patrick Guidice, Senior Business Representative of Local 1049 of the International Brotherhood of Electrical Workers stood on the steps of Stony Point Town Hall and again affirmed his opposition and the opposition of his Union brothers to this project.

Phil Wilcox, Business Representative for IBEW Local 97 states, "Thousands of existing New York state jobs will be lost and thousands of potential new ones as well." (Albany Times-Union, February 25, 2012). The International Brotherhood of Electrical Workers Local 97 state, "The CHPE project's failure to provide access to New York's valuable generation resources is contrary to the policy laid out by Governor Cuomo in his State of the State address." (Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc., March 16, 2012). The New York Power Authority states "(NYPA) it is also concerned about the accuracy of CHPE's current estimates of its projected construction costs

810-13: Comment noted. This language was not found in the Joint Proposal.

and the results of its cost/benefit analysis. Based upon NYPA's experience, the construction costs are significantly underestimated and the cost benefits are significantly overestimated in light of current projections of load and electric prices." (Statement Regarding the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc., March 16, 2012).

On October 23, 2012 The New York State Senate Standing Committee on Energy and Telecommunications, hosted by State Senators George Maziarz, William Larkin, David Carlucci and Nancy Calhoun held a public hearing at the RHO Building in the Town of Stony Point to garner testimony regarding the CHPE project, at which time numerous people spoke against this project. Bart Brooks, Compatriot and President of the Stony Point Battle Chapter of the Sons of the American Revolution came out in opposition. Susan Filgueras, President of the Stony Point Historical Society opposed this project. Laurie Cozza, Anita Babcock, Tim Waldron, George Patonovic, President SPACE, Stony Point Action Committee for the Environment. Michele Cornish, Rebecca J. and Wellington T. Casscles, Stephen and Breda Beckerle, affected homeowners, are against the CHPE project, these are simply a few of the names of record.

Al Samuels, President, Rockland Business Association – against, Scott Jensen, Business Manager IBEW 503 – against. Mike Hichak, Recording Secretary, IBEW Local 320 (representing John P. Kaiser, President and Business Manager IBEW, Local 320) – against.

Tom Rumsey, Vice-President – External Affairs, NY Independent System Operator – against.

Gavin Donohue, President & CEO of Independent Power Producers of New York, Inc. – against.

Michael Twomey – on behalf on Entergy – against.

Arthur "Jerry": Kremer, Chairman of the New York Affordable Reliable Electricity Alliance – against.

All these people testified at the October 23, 2013 Senate hearing and all opposed this project, how could it possibly been approved by the NYSPSC?

These are only the names of our community; we know that in Canada, there is also strong opposition. With such opposition how does this project continue to move forward, perhaps politics has quite a bit to do with it.

The maps used by CHPE have changed numerous times, sometimes the line appears on our property sometimes off of our property. Which is it? These maps showed the CPHE line ending at the Astoria-Queens sub-station and suddenly now it shows it will end at the "Big Alice" Ravenswood Generating Station. What happen to the Astoria-Queens sub-station plan? Also the Danskammer Generating Station was taken off line and suddenly put back on line – why? 810-14

810-14: See response to Comment 501-03.

We feel that there are so many unanswered questions regarding this project, that the Presidential Permit must be held up until all of the queries can be answered openly and honestly by CHPE.

These are just a few of the overriding reasons we feel we need the 180 day extension.

Sincerely,

Rebecca J. Casscles
Wellington T. Casscles
69 & 71 Beach Road
Stony Point, NY 10980
(845) 786-2416 (Home phone)
casscleselec@AOL.com
becky.casscles@AOL.com

Comment 811

Nicolas Graver
Skidmore College
815 North Broadway
Saratoga Springs, NY
ngraver@skidmore.edu

Thank you for taking public comment in regards to the Draft EIS on the CHPE Transmission Line Project. I am writing to support the "No Action Alternative," as the impacts of increased population and energy demand in Southeastern New York are much better addressed by conservation strategies than by the massive disruption of aquatic ecosystems that this plan represents. The Draft EIS dismisses this as a goal which would not be completed within the State of New York's energy efficiency plan, but does not acknowledge the opportunity for New York City and the surrounding region to take additional action and conservation measures. Increasing energy demand and conservation in this part of the state should be tackled by the consumers themselves in terms of conservation efforts and increased energy costs, thereby reducing demand, and not subsidized by environmental destruction elsewhere in the state. A balanced energy plan should absolutely require all new sources of energy to be not only sustainable in terms of greenhouse gas emissions, but also environmentally responsible in terms of land impacts. — 811-01

The DEIS also dismisses several alternate routes which prevent environmental destruction on the scale of the proposed project, largely due to the additional project expenses associated with each of these projects. These projects are not considered practical alternatives by the applicant, but this assessment is done entirely based on the increased expense of the projects and not based on the relative merits of these options, which are immense. The alternatives described in Appendix B do represent a significant increase in cost (ranging from a 15% to 42% cost increase for the project), but are hugely advantageous in that they reserve environmental impacts to existing developed land and do not disrupt important aquatic ecosystems in the Hudson River and Lake Champlain, not to mention disruption of PCBs that have settled in the riverbed substrate. These are key waterways in the northeast and incredibly valuable for protection, well worth the additional cost of alternatives. — 811-02

Increased energy costs to be borne by the consumer may also be a necessary part of a responsible energy plan for the state and the NYC downstate region, and should be considered first as an alternative to destruction of the natural environment. These costs should be transferred directly to the companies supplying power and correspondingly to power users, instead of allowing valuable habitat and ecosystems in Lake Champlain and the Hudson River to be sacrificed as a cost saving measure. — 811-03

The principles which caused public objections when the NYRI project was originally proposed remain true; the notion that the people and environment upstate should bear the costs of increased power use in the NYC area is inherently objectionable and unjust. Instead of addressing the fundamental tenet of this objection, the new CHPE proposal hides the impacts from the immediate public gaze while simultaneously magnifying the environmental and social impacts of the project, creating more destruction but hiding it from the public gaze in order to reduce opposition. — 811-04

811-01: Comment noted.

811-02: The current proposed CHPE Project route was the result of negotiations between the Applicant, NYSPSC, NYSDEC, USACE, and other agencies. The impacts that the transmission line would have on aquatic ecosystems in Lake Champlain and the Hudson River were discussed in EIS Sections 5.1.4, 5.1.5, 5.3.4, and 5.3.5. The impacts associated with PCBs in Lake Champlain and Hudson River substrate were discussed in EIS Sections 5.1.3 and 5.3.3. For information on the presence of PCBs, see response to Comment 802-03.

811-03: Increasing energy costs to help meet the electricity demand for New York City is not within the scope of this EIS.

811-04: Impacts as a result of the proposed CHPE Project in the Lake Champlain, Overland, Hudson River and New York City Metropolitan Area Segments are expected to be negligible. Appropriate BMPs and mitigation measures would be applied, where appropriate. Therefore, upstate New York State would not be impacted negatively from either a cost or environmental standpoint.

Comment 812

Dann Marine Towing, LC

CANAL PLACE
Post Office Box 250 / Chesapeake City, Maryland 21915
(410) 885-5055 / (800) 770-TUGS / FAX (410) 885-5570

Brian Mills
CHPE Draft EIS Comments
Office of Electricity Delivery & Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Ave SW
Washington, D.C 20585

Dear Mr. Mills,

I am writing on behalf of Dann Marine Towing, as a member of the Tug & Barge Committee (TBC) of the Maritime Association of the Port of New York and New Jersey to strongly request that the Champlain Hudson Power Express (CHPE) cable route application as proposed in the Hudson River be denied.

812-01 **812-01:** See response to Comment 701-01.

"the Applicants recognize that there is significant waterborne commerce on the Hudson River, with the majority of the cargo originating from the Ports of New York and New Jersey."[1]

The Maritime Industry feel that vessel safety has been dismissed in this process and that safe navigation will be compromised. A vast and powerful river, the Hudson has long been a vital piece in our nations Marine Transportation System (MTS) serving New York State and our Nation connecting cities/ports world-wide with numerous ports along the Hudson including the State Capital Port Albany

812-02 **812-02:** See response to Comment 701-02.

STATE POLICY 3

"The installation and operation of the transmission cables may affect navigation or future dredging activities which may, in tum, affect the operation of port facilities in New York City and Albany. However, the applicant has consulted with appropriate port facility operators and agreed to site the project in a manner that would not hamper or interfere with port activities."[2]

The mission of Harbor Safety, Navigation and Operations Committee of the Port of New York and New Jersey is: "To *develop non-regulatory solutions to operational challenges in the Port of New York and New Jersey."* The Energy Sub-Committee has worked closely with numerous Alternative/Conventional Energy proposals to develop workable sensible

[1] HDR Letter October 18, 2010, Sean Murphy
[2] NYSDOS Letter June 8, 2011, Signed by Daniel E. Shapiro, First Deputy Secretary of State

Dann Marine Towing, LC

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proposals and met with the CHPE consultants on March 16, 2011 to discuss cable routing. At that meeting the Energy Sub-Committee raised several concerns regarding the proposed cable route and installation. The consultant informed the Energy Sub-Committee that they were negotiating with the New York State Depa rtment of Conservation (DEC) to route the cable outside the channel in shallow water and that the route would not be the same as presented; however, the recently approved New York State DEC proposed CHPE route is very similar though not identical to the first proposal and therefore the Applicant has met but NOT consulted with the appropriate port facility operators.

812-03 **812-03:** See response to Comment 701-03.

STATE POLICY 2

"Should the bi-pole occupy any federally m aintained navigation channels it will be buried at least 15 feet below the authorized depth in a single trench within those channels. In this matter, the siting of the cable at these depths will minimize conflicts with water based navigation by substantially avoiding anchor strikes and potential future navigational improvements."[3]

Anchors vary in size and use but regardless have long been a staple of the shipping industry performing many functions for vessels including anchoring, docking, and emergencies and while docks and anchorages are predictable, emergencies are not. The Hudson River varies in channel width and depths is primarily rock and can narrow to 400 feet in width. The primary tool to mitigate non-controllable factors is the anchor. Non- controllable external factors include diminishing visibility (fog, snow, and thunderstorms), Ice, or other vessels or internal casualty factors (loss of engines or steering). As non-controllable factors can occur anytime and anywhere in any navigable channel, anchor ing must be a primary factor in considering proposals in navigational waters that may impact anchoring.

812-04 **812-04:** See response to Comment 701-04.

Risk of fouling an anchor on a cable has many impacts to include but not limited to loss of assets, supply chain schedules, asset/human casualties, and/or environmental damage. Vessels transiting the River trade in various liquid products including Albany exports of crude oil and ethanol.

"Another condition requires that the applicant verify the transmission cables' burial depth on a periodic basis so that they do not become a hazard to navigation or marine resources."[4]

[3] IBID
[4] IBID

Dann Marine Towing, LC

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The Energy Sub Committee and the Tug and Barge Committee have serious concerns with the proposed cable routing and burial depths for this project and strongly object to burial depths as proposed. Burial depths should be analyzed, verified, and certified by the applicant and MUST be for ALL navigational channels maintained or not maintained.

New York is home to many of our employees. Over 31,000 New York City residents earn their livelihood in the maritime industry. Because we recognize the importance of balancing the working waterfront activities we support environmental stewardship balanced with economic growth and welcome the opportunity to partner with DEC, FERC, and USACE to create a sensible to approach to cable routes.

I wish to thank you in advance for your considerations to our needs. Have a great Holiday Season.

Regards,

Jason Wisneski
Dann Marine Towing
410-885-5055

812-05 **812-05:** See response to Comment 701-05.

Comment 813

From: Bryan and Doddy [mailto:bbcd@verizon.net]
Sent: Friday, December 13, 2013 8:16 PM
To: jun.yan@usace.army.mil
Cc: Mills, Brian
Subject: CHPEI

Dear Sir, I am writing to state my opposition the the proposed underwater transmission line to be run under Lake Champlain and the Hudson River. It will do nothing to help the people of New York. We need to upgrade our existing lines and to look for local generation such as wind power and small hydros. Importing more power from Canada will do very little to help New York's power problems. Thank you, Bryan J. LaVigne — 813-01

813-01: The proposed CHPE Project would be a merchant transmission line that would provide electrical energy to the New York City metropolitan area market, which would result in lower wholesale electric power prices, reductions in air emissions, greater fuel diversity and increased energy supply capability, and improved system reliability. The upgrading of existing electrical transmission lines and local electrical generation are not within the scope of this EIS.

Comment 814

From: wehew@aol.com [mailto:wehew@aol.com]
Sent: Sunday, December 15, 2013 1:48 PM
To: Mills, Brian
Subject:

Dear Mr. Mills

I am writing to express my opposition to the proposed Champlain Hudson Power Express (CHPE) high voltage direct current line proposed to carry 1,000 megawatts of electricity from Canada to New York City.

According to information obtained from CHPE's website and United States Geological Survey maps, this transmission line will cross the US border into the most seismically active region of NY. The proposed northernmost converter station for this line also lies within this region. This converter and the cable would be susceptible to damage from seismic activity. 814-01

As this is a two pole DC line, it is not compatible with NY's current three phase AC based electrical grid, and we CAN NOT tie into it in the event of a regionalized failure. A failure along any point of this line effectively removes the entire line from service. Losing 1,000 MW of power during a period of peak demand with no means of replacing it may have catastrophic consequences for the end users in NY City and Long Island. Furthermore, a DC line will do nothing to strengthen the electrical backbone of NERC's Northeast Power Coordinating Council region. The CHPE project amounts to little more than extending a very large extension cord from Canada directly to New York City. 814-02

In addition to these concerns, this line also relies on the presumption of continued amicability from a foreign country. In the event that Quebec manages to achieve its longstanding ambition of independence, this relationship may be called into question.

The solution to meeting New York City's electrical needs lies in upgrading our existing transmission facilities to provide power from generators in western, central, and northern New York.

Thank you for your attention to this important issue.

Very truly yours,

Todd Jones

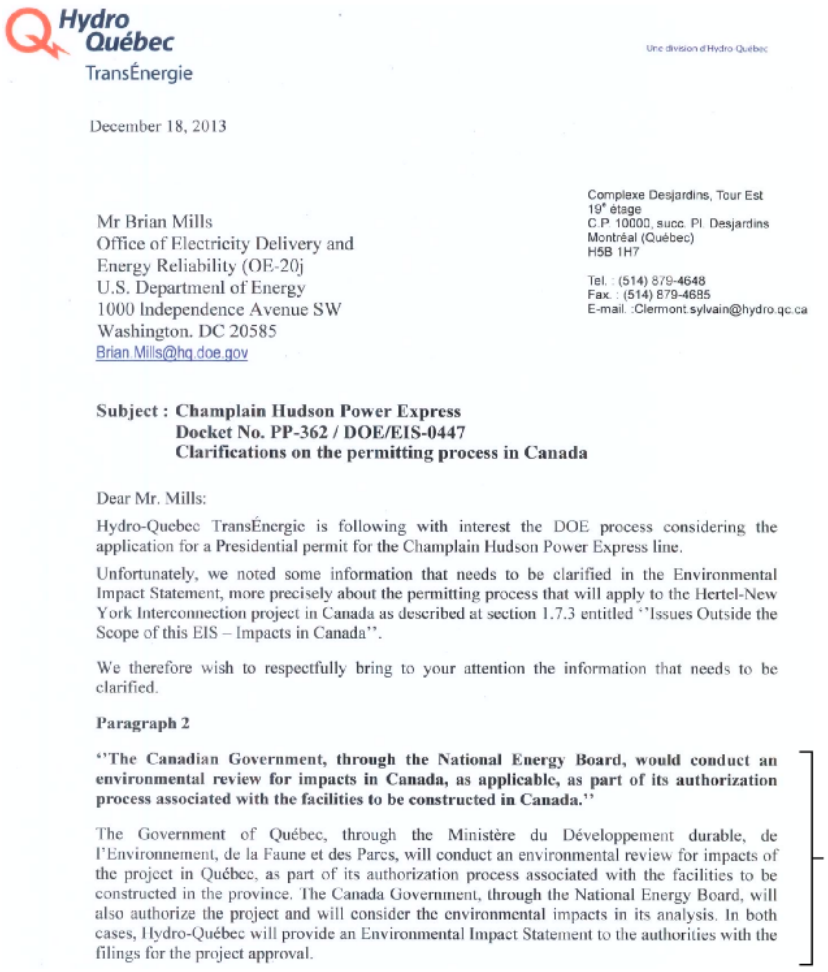
Sent from Windows Mail

814-01: Each segment of the proposed CHPE project has a different range of seismic hazard rating. The highest seismic hazard rating is between 12 and 30 percent g (peak ground acceleration as a percentage of the force of gravity) in the Lake Champlain Segment. Higher seismic hazard ratings are closer to the Canadian border. Soils in this segment have a 10 percent chance of liquefaction from a seismic event with a ground shaking rating of 15 percent g (see Section 3.1.9 of the EIS). Though this area has a potential for low to moderate damage during seismic event, the overall probability for seismic activity is low. See Section 5.1.9 of the EIS for more information related to geologic hazards in the Lake Champlain Segment. The other three segments (i.e., Overland, Hudson River, and New York City Metropolitan Area) have seismic hazard ratings of 8 to 12 percent g, 8 to 12 percent g, and 14 to 18 percent g, respectively. These ratings represent an even lower potential for damage due to a seismic event. All cooling stations would be constructed to conform to seismic hazard standards appropriate for the area. For more information relating to geologic hazards that could pose a risk to the transmission line and the cooling stations, see Sections 5.1.9, 5.2.9, 5.3.9, and 5.4.9 of the EIS.

814-02: The proposed CHPE Project is designed to deliver up to 1,000 MW of electric power to the New York City metropolitan market from renewable power sources in Canada. As an HVDC transmission line, efficiency and cost benefits are gained from reduced transmission losses and low magnetic fields when compared to an HVAC transmission line. HVDC can carry more power per conductor than HVAC lines. The buried HVDC line associated with the proposed CHPE Project would terminate at the Astoria Converter Station site, where it would be converted to be compatible with New York City's three-phase, alternating current-based electrical grid. Once converted to HVAC, the line's energy is indistinguishable from other electrical service. As an underground line, it is markedly less prone to the types of damage that an overhead line would be, including those due to severe weather such as ice, wind storms, and lightning. Consequently, the

transmission line represents a reliable and durable source of power to New York City and the North American Electric Reliability Corporation's (NERC) Northeast Power Coordinating Council region. NYISO stability studies have demonstrated that loss of the proposed CHPE Project transmission line, operating at 1,000 MW, would not adversely impact the stable operation of the NYISO system, including New York City and Long Island. Existing New York City and Long Island peaking plants, which have significant capacity, would be called on less once the proposed CHPE Project is energized and would continue to be available in the unlikely event of a disruption of service from the proposed CHPE Project transmission line. The proposed CHPE Project's HVDC line could have "black start" capabilities similar to that of the nearby Cross Sound Cable. This feature makes it possible to deliver 1,000 MW of electricity to New York City in case of a major blackout. The Cross Sound Cable brought 330 MW to The Long Island Power Authority during the August 2003 blackout.

Comment 815



Hydro Québec TransÉnergie

Une division d'Hydro Québec

December 18, 2013

Mr Brian Mills
Office of Electricity Delivery and
Energy Reliability (OE-20j
U.S. Departmenl of Energy
1000 Independence Avenue SW
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Brian.Mills@hq.doe.gov

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Tel. : (514) 879-4648
Fax. : (514) 879-4685
E-mail. :Clermont.sylvain@hydro.qc.ca

Subject : Champlain Hudson Power Express
Docket No. PP-362 / DOE/EIS-0447
Clarifications on the permitting process in Canada

Dear Mr. Mills:

Hydro-Quebec TransÉnergie is following with interest the DOE process considering the application for a Presidential permit for the Champlain Hudson Power Express line.

Unfortunately, we noted some information that needs to be clarified in the Environmental Impact Statement, more precisely about the permitting process that will apply to the Hertel-New York Interconnection project in Canada as described at section 1.7.3 entitled ''Issues Outside the Scope of this EIS – Impacts in Canada''.

We therefore wish to respectfully bring to your attention the information that needs to be clarified.

Paragraph 2

''The Canadian Government, through the National Energy Board, would conduct an environmental review for impacts in Canada, as applicable, as part of its authorization process associated with the facilities to be constructed in Canada.''

The Government of Québec, through the Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, will conduct an environmental review for impacts of the project in Québec, as part of its authorization process associated with the facilities to be constructed in the province. The Canada Government, through the National Energy Board, will also authorize the project and will consider the environmental impacts in its analysis. In both cases, Hydro-Québec will provide an Environmental Impact Statement to the authorities with the filings for the project approval.

815-01

815-01: The text in Section 1.7.4 of the Final EIS has been revised per comment.

Paragraph 3

''The electrical power to be supplied by the proposed CHPE Project would be transmitted through a proposed new HVDC converter station at Hydro-Québec TransÉnergie's 765/315-kilovolt (kV) Hertel Substation, south of Montreal in Québec, Canada.''

The Hertel Substation voltage is 735/315 kV.

815-02

815-02: The text in Section 1.7.4 of the Final EIS has been revised per comment.

Paragraph 4

''Hydro-Québec TransÉnergie has filed an interconnection request (Number 157T) for the construction and operation of the facilities in Canada with the Canadian National Energy Board and the Québec Régie de l'énergie.''

The interconnection request was filed by Hydro-Québec Production to Hydro-Québec TransÉnergie. Hydro-Québec TransÉnergie is the Reliability Coordinator and the Transmission Service Provider in the province of Québec.

The roles of the National Energy Board and of the Régie de l'énergie are different. The National Energy Board will authorize the construction of the international power line at the federal level. At the provincial level, the Government of Québec will also authorize the construction of the line. The Régie de l'énergie is the Québec energy board that will authorize the investment necessary for the construction of the transmission line, in accordance with the Hydro-Québec Open Access Transmission Tariff.

815-03

815-03: The text in Section 1.7.4 of the Final EIS has been revised per comment.

Paragraph 4

''At the Canadian Federal level, Environment Canada and the Canadian Environmental Assessment Agency administer the Canadian Environmental Assessment Act (CEAA), which requires prescribed Federal authorities to assess the environmental impacts of Canadian Federal projects and private projects that receive Federal funding, take place on Federal lands, or require certain Federal permits. In accordance with the National Energy Board Electricity Regulations, an environmental assessment of the proposed Hertel-New York Interconnection would be carried out either under the CEAA or under provincial laws. ''

Following changes in the Canadian environmental legislation in 2012, international power line projects that are less than 345 kV and less than 75 km, in a new right of way, are no longer subject to a federal environmental assesment. The National Energy Board still considers the environmental impacts as part of its analysis.

Hydro-Québec TransÉnergie will file its Environmental Impact Statement at the provincial level with the Government of Québec, through the Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs and with the National Energy Board at the federal level.

815-04

815-04: The text in Section 1.7.4 of the Final EIS has been revised per comment.

Paragraph 5

''The most likely source of power that would be transmitted on the proposed CHPE Project transmission line is expected to be from the four-station, 1,500-MW Romaine hydroelectric generating complex that is currently under construction by Hydro-Québec in Canada. This hydroelectric facility is expected to be put into service starting in 2015 (NYSPSC 2012). The development of this hydroelectric facility is independent of and not connected to the proposed CHPE Project and would not be affected by the possible Federal action of issuing a Presidential permit.''

The energy that would be transmitted on the proposed international power line will come from the bulk electric transmission system. As such, the source of supply can be any generating station interconnected to the Hydro-Québec TransÉnergie electric transmission system. The Romaine hydroelectric generating complex will represent only a fraction of the total generation capacity interconnected to Hydro-Québec TransÉnergie electric transmission system.

I hope that you will find this information useful. You may find further information on the Hertel – New York project on the Website http://www.hydroquebec.com/hertel-new-york/en. If we can provide any further information about Hydro-Quebec TransÉnergie's activities, please feel free to contact me.

Best regards,

Sylvain Clermont, ing.
Chef, Commercialisation des services de transport

c.c.: Stéphane Verret

815-05

815-05: The text in Section 1.7.4 of the Final EIS has been revised per comment.

Comment 816

12/30/2013

Mr. Brian Mills, NEPA Document Manager

Office of Electricity Delivery and Energy Reliability (OE-20)

U.S. Department of Energy

1000 Independence Avenue,SW

Washington, DC 20585

Draft CHPE EIS COMMENTS

USACE NAN-2009-01089-EYA

Mr. Mills,

Thank you for extending the comment period for 30 days and also for hearing our concerns at the Nov. 18, 2013 meeting.

Attached is a list of areas that I think need to be looked at.

Mr. Mills I would like to mention that as far back as I can remember when a candidate was running for President for the first time or was seeking reelection they all used the ***We need to make the U.S. less dependent on Foreign Energy*** campaign platform. What happened to this Goal? By allowing CHPE to run from Canada to New York City (bypassing a number of power plants) does not seem to follow this Goal.

As stated by CHPE in section S.3 **Therefore it is possible that the proposed CHPE project power would be purchased first and DISPLACE NATURAL GAS & OIL FEULED SOURCESOF ELECTRICAL GENERATION SUPPLYING THE REGION i.e. CLOSE POWER PLANTS. Section S.3 also states REDUCE AIR POLLUTION AND GHG EMISSIONS WITHIN NEW YORK CITY BY ALLEVIATING THE NEED TO OPERATE ONE OR MORE EXISTING FOSSIL-FUELED POWER PLANTS WITHIN THE REGION DURING PERIODS OF TRANSMISSION CONGESTION.**

All this comes down to is:

Close Existing Power Plants

Eliminate Jobs

Weaken our already weak economy

Reduce Blue collar work force and add to the Unemployment figure.

816-01 **816-01:** See response to Comment 101-02.

How many KW or Mw will we be losing verses the 1MW they say they will supply (SOUNDS LIKE A LOSS TO ME). 816-02

Please look at all our Items. I feel as a state we would be better to invest in STATE OF THE ART Power Plants which will create jobs and boost our economy. The U.S. has the Technology to build the BEST & SAFEST power plants and generate our own power IN State by State Workers for the People of this state.

After Sandy the state of NJ used the saying STRONGER THAN THE STORM why cannot NEW YORK State say ***OUR POWER IS PRODUCED BY THE PEOPLE FOR THE PEOPLE.***

Thank You,

Wellington & Rebecca Casscles 69 & 71 Beach Rd. Stony Point, NY 10980

TDI has had (4) sets of maps each showing different Proposals and Deviation zones, Row's & Routes not to mention that if you look at the CSX Row maps they are also different. I would suggest that CHPE supply you with their latest maps. 816-03

Attached are pages **S-3, S-4, S-6,S-11,S-12,S-13, S-14, S-15,S-16,S-34, S-35, S-37, 1-16,2-13, 2-21, 2-28, 2-32, 2-33, 2-35, 3-107, 3-112.**

S-3 CLOSEING POWER PLANTS

S-4 CLOSEING POWER PLANTS

S-6 S.6.1 STATES TO BE BURIED IN Railway ROW (most will be Eminent Domain)

Cooling stations will be needed- Mr. Jesome says they will not be needed WITCH IS IT.

Hudson River Segment states that in Stony Point the line would be in the CSX ROW of 2.2 miles it would be in ROW about .7 miles. 816-04

S-11 S6.2 Under water installation activities would be limited to certain times of year WHY CANNOT THIS BE DONE FOR HAVERSTRAW BAY. 816-05

S-12 Where will Splice vaults be located, how many, what are the sizes of vaults.

Where are the staging areas & how large are they,(ROW NOT LARGE ENOUGH) 816-06

S-13 Additional Engineering Details-HEAT how will it affect surrounding vegetation and soil temps. 816-07

S-14 Magnetic Fields how is this going to affect the use of the land. 816-08

Trench would be 9' wide at top and 3' wide at bottom, if in the slope of the rail bed would this be STABLE if on the flat part of ROW this would be out of ROW. 816-09

816-02: The proposed CHPE Project would add an additional 1,000 MW of capacity and provide approximately 7,640 GWh per year to the New York City metropolitan area electricity market via an HVDC electric power transmission line system. This would help satisfy the growing demand for electricity in New York State, which is currently projected to increase at a greater rate than current capacity growth.

816-03: The latest maps provided by the Applicant, dated September 2013, are consistent with those shown in the Joint Proposal and the Draft EIS.

816-04: The Draft EIS did not identify the length of the transmission line in the CSX ROW in Stony Point as indicated in the comment. The proposed route of the proposed CHPE Project within Stony Point would be in approximately 1.1 linear miles (1.8 linear km) of railroad ROW and 0.9 linear miles (1.4 linear km) of deviation zone approved by NYSPSC. As proposed, approximately 2.3 acres (0.9 hectares) of the 20-foot (6-meter)-wide permanent transmission line ROW would occur within railroad ROW, and up to 2.6 acres (1.1 hectares) would occur outside the railroad ROW in Stony Point. In Haverstraw, the proposed CHPE Project route would be in approximately 3.2 linear miles (5.2 linear km) of railroad ROW and 0.6 linear miles (1.0 linear km) of deviation zone approved by NYSPSC. Approximately 7.3 acres (3.0 hectares) of the permanent transmission line ROW would occur within the railroad ROW, and up to 1.5 acres (0.6 hectares) would occur outside the railroad ROW in Haverstraw. See response to Comment 105-04 regarding the ROW and the use of eminent domain. Information on the installation of cooling stations along the transmission line to disperse accumulated heat in long cable segments installed by HDD techniques was provided to the DOE by the Applicant for incorporation into the Draft EIS. Therefore, the EIS addresses the potential impact of installing cooling stations along the terrestrial portions of the transmission line route in certain locations. Eliminating the cooling stations is not part of what is being proposed for the CHPE Project.

816-05: See response to Comment 718-04.

816-06: The locations of construction staging areas would change as the installation progresses southward along the transmission line

route. Information on staging areas that would be required to support aquatic installation was provided in Section 5.3.2 of the EIS. Information on staging areas along the terrestrial portion of the installation route was provided in Sections 2.4.1.1, 5.2.2, 5.3.18, and other similar sections of the EIS. See response to Comment 807-02 regarding splice vaults.

816-07: Operation of the transmission line would increase the ambient soil temperature within 3 feet (0.9 meters) of the transmission line by 2 °F (1 °C). It is possible that this temperature increase could affect vegetation growth in the immediate vicinity of the installed line; however, the temperature would quickly dissipate as distance from the transmission line increases. Additionally, cooling stations would be constructed to serve the HDD-installed segments and excess heat would be removed from the underground conduits through the cooling station chiller equipment.

816-08: The potential impacts associated with magnetic fields associated with the transmission line were described in detail for each segment of the proposed route in Section 5.1.14 and other similar sections of the EIS. Specifically, the proposed transmission line ROW within the railroad ROW would be 20 feet (6 meters) wide, and access to the railroad ROW would be limited in some areas by fencing and entry restrictions. Table 5.1.14-1 and Figure 5.1.14-1 of the EIS present the magnetic field levels associated with the transmission cables. The magnetic field levels at the edges of the 20-foot (6-meter)-wide transmission line ROW for the Overland Segment were calculated to be 24.8 milliGauss (mG), which is well below the 200-mG magnetic field strength interim standard established by the NYSPSC. Land use restrictions are not expected as a result of magnetic fields.

816-09: The width of the trench that would be excavated for the transmission line would vary based upon topography and soil types. The transmission line would be constructed at least 10 feet (3 meters) away from the railroad tracks in generally flat areas away from the raised bed of the tracks, and the railroad ROW in most cases is wide enough to accommodate the transmission line. If these requirements put the transmission line outside of the railroad ROW, negotiations with adjacent landowners are planned (see response to Comment 105-04).

S-15 Permanent ROW this would have to be Eminent Domain. 816-10

S-16 Cable Repair would create more Splice Vaults.

S-34 & 35 EMINENT DOMAIN WILL BE NEEDED.

S-37 Converter Station will be in flood plain has this been updated with new FEMA maps. 816-11

1-16 this project is inconsistent with Governor Cuomo's ENERGY HIGHWAY. 816-12

2-13 Construction Corridor 48' EMINENT DOMAIN AGAIN.

2-21 2.4.5 Cooling Stations Chiller units noisy and 8x8x16 structure Esthetic 816-13

2-28 Aquatic cable installation GRAPPLE RUN. 816-14

2-32 Supplies and Equipment would be transported over local roads,(can roads handle this weight and who will repair them. 816-15

CSX ROW MAPS these maps need to be looked at to determine if this can be done. SEE 2-33.

2-35 Cable support facilities, EMINENT DOMAIN

3-107 " *The Boundaries of the Waldron Cemetery would be determined during the survey of this portion PRIOR to the DOE'S issuance of its FINAL EIS.* 816-16

__When is this going to happen and will we be notified.

3-112 Contaminated Soils

816-10: Installation of energy transmission lines in the United States must occur within a permanent ROW to ensure the lines, land, and support equipment can be maintained and protected for the life of those uses. Sections 2.6.1 and 5.2.1 and other similar sections of the EIS describe how the transmission line, in most cases, would be installed within existing road and railroad ROWs, but in some locations would deviate outside of these ROWs. Deviation areas refer to alterations of the transmission line route from the established road and railroad ROWs to bypass features such as bridges, roadway crossings, and areas where the existing ROW is too narrow to permit cable installation while meeting established clearance criteria from infrastructure, such as railroad tracks and edges of roadways. Deviation areas are identified in the maps provided in Appendix B of the Joint Proposal. Some deviation areas will overlap with privately owned lands. In these instances, it is anticipated that bilateral easements with private landowners would be negotiated such that the Applicant and landowner mutually agree to the easement provisions. Such agreements ensure that the landowner would be provided financial compensation for providing the Applicant with the right to bury the transmission line on their property and for future access to the property to conduct maintenance, inspections, and emergency repairs should such actions be necessary. Use of eminent domain would be avoided to the maximum extent practical. However, it is possible that limited use easements or leases for the transmission line ROW would need to be obtained through eminent domain, as provided for through the NYSPSC Article VII approval process. This would only occur in the event a property owner and the Applicant are unable to reach a mutually acceptable agreement.

816-11: As discussed in Section 5.4.3 of the EIS, the Luyster Creek HVDC Converter Station would be constructed and operated within the 100-year floodplain of the East River (see EIS Appendix A). Based on the Preliminary Work Maps prepared by FEMA as part of an evaluation of flood hazards following Hurricane Sandy, the converter station site would be designated as Base Flood Elevation (BFE) Zone AE at an elevation of 14 feet (4 meters) above mean sea level (MSL), which has only a 1 percent (100-year) chance of inundation.

816-12: The New York Energy Highway Blueprint is a broad and encompassing plan that provides recommendations intended to unify New York State's efforts to create an energy infrastructure to serve residents and businesses for years to come. It was developed in response to the existing uncertainties that affect New York State's existing energy infrastructure. Private developers, investor-owned utilities, the financial community, and others were actively engaged to identify options for bolstering the aging infrastructure while promoting the supply of clean energy, jobs, and economic growth. The four main areas of focus and goals in the Blueprint are expanding and strengthening the Energy Highway, accelerating construction and repair of electric and natural gas delivery systems, supporting clean energy, and driving technology innovation. Installation and operation of the proposed CHPE Project transmission line is directly aligned with the goals outlined in the New York Energy Highway Blueprint.

816-13: The cooling stations would be designed so that noise levels meet state standards at the property line. The stations would be small in size and resemble other similar utility structures such as fiber optic amplifier units or wastewater pumping stations.

816-14: The first step in the cable installation would be to tow a hook-type device, or a grapnel, along the underwater transmission line route ("a grapnel run") to clear debris from the path of the cable installation plow. The grapnel run operation is subject to the same environmental conditions as the cable installation with respect to time of year restrictions and turbidity levels.

816-15: The number of construction vehicles required to install the transmission line at any one location is limited. To ensure that there are no impacts from large construction equipment using roads designed for lighter vehicles, the Applicant would restore access roads to preconstruction conditions as required. A project Maintenance and Protection of Traffic (MPT) Plan would be developed and implemented by the Applicant in consultation with local government transportation agencies to minimize impacts on traffic and the transportation network. Therefore, transportation of materials for the terrestrial portion of the CHPE Project is not anticipated to result in significant impacts on the existing

transportation network. See Sections 5.2.2, 5.3.2, and 5.4.2 of the EIS for more information on potential impacts on transportation in terrestrial portions of the proposed CHPE Project route.

816-16: It is expected that the CRMP, which would contain measures to minimize impacts on Waldron Cemetery, would be made available on the NYSPSC Web site for the CHPE Project (http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx? Mattercaseno=10-T-0139) upon completion, although specific locations of any cultural resources information would likely remain confidential. Also see response to Comment 121-03.

Comment 817

American Sugar Refining, Inc.
1 Federal Street
Yonkers, NY 10705
t +1914.709.8238
Lael.Paulson@asr-group.com
Lael Paulson
Refinery Manager

Mr. Brian Mills
RE: CHPE Draft EIS Comments
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

January 13, 2014

Dear Mr. Mills:

RE: Champlain Hudson Power Express (CHPE) Project – Draft EIS Comments

American Sugar Refining, Inc., operates a sugar refining facility located at 1 Federal Street in Yonkers, NY 10705 on the eastern bank of the Hudson River, at approximately river mile 17.5. The Facility, which is located on an 19.4 acre site, was originally constructed in the early 1900's and currently employees over 280 employees on a full time rotating shift basis; providing much needed manufacturing jobs in the city of Yonkers and Westchester County.

The sugar refining process requires raw material, in this case raw sugar, which is transported to the facility by barge or ship. All of the raw sugar arrives at the facility via the Hudson River by vessels travelling up the federal navigation channel from the port of New York to our Yonkers facility. The vessels are docked at the facility, with the assistance of tug boats, and moored while the raw sugar is unloaded. These vessels arrive on a frequent basis, often with more than one vessel each week, year round, to maintain production.

To maintain sufficient draft for the vessels, the river bed surrounding our facility is dredged under permit on an annual basis to remove accumulated sediment. Attached is a file showing the result of recent soundings performed which shows the extent of the dredging area. American Sugar respectfully requests that our continued unrestricted Hudson River access is assured as the pipeline routing, construction and future repair plans are finalized for this project. An area extending the entire length of the facility and 500 additional feet of clearance from the edge of our dredging area toward the center channel is required by ASR. 817-01

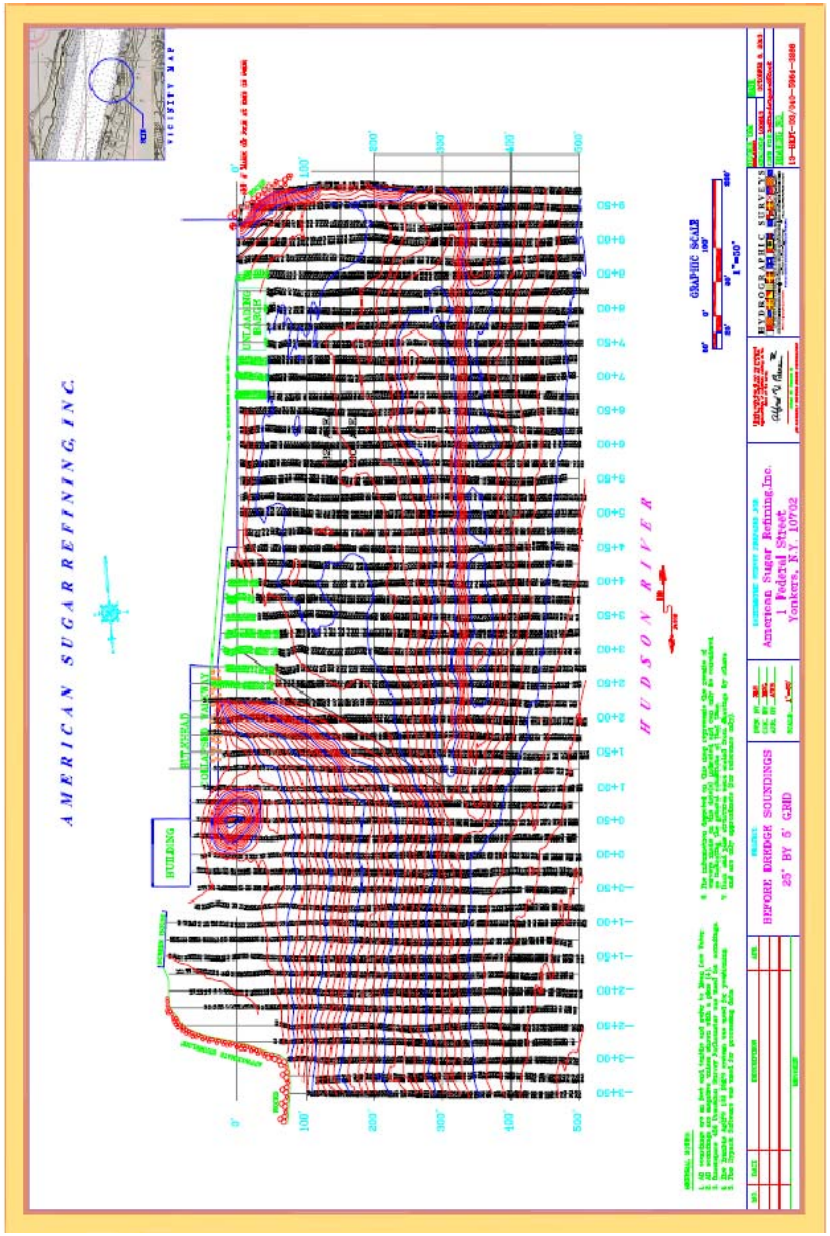
If you require additional information, or require clarification please contact me.

Yours sincerely

Lael J. Paulson
Sent via Email to Brian.Mills@hq.doe.gov
cc File.

Making Life A Little Sweeter
Visit Our Family of Brands at ASR-Group.com

817-01: Disturbance of recreational and commercial activities would be temporary and localized at the work sites in the Hudson River. As stated in the EIS, approximately 1 to 3 miles (2 to 5 km) of transmission cable can be installed per day, so the worksite would not remain at any one location for a long period of time. For more information addressing Hudson River access during construction and maintenance of the transmission line, see EIS Section 5.3.2 (Transportation and Traffic).


AMERICAN SUGAR REFINING, INC.
HUDSON RIVER
BUILDING
GRAPHIC SCALE
1"=50'
HYDROGRAPHIC SURVEYS
BEFORE DREDGE SOUNDINGS
25' BY 5' GRID
American Sugar Refining,Inc.
1 Federal Street
Yonkers, NY 10702

Comment 818

-----Original Message-----
From: cozzafesta@optonline.net [mailto:cozzafesta@optonline.net]
Sent: Wednesday, January 15, 2014 2:54 PM
To: Mills, Brian
Subject: comments: CHPE EIS

Mr. Mills,
I have spent an enormous amount of time researching the proposed CHPE project, as have others, and have not heard anything at meetings or hearings or have found anything in the paper work that addresses the serious consequences of allowing a transmission line to run through wetlands, a super fund site, a brownfield and sewage piping in the towns of Stony Point and Haverstraw. Also of concern is the close proximity to United Water's proposed Desalination Plant, CSX Rail Extension project (which comes first?), Indian Point Nuclear Power Plants, the Ramapo Fault and the Spectra Natural Gas High-Pressure Main. In the event of a serious accident who will pay for clean up and damage? and has any evacuation route for the towns of Stony Point and Haverstraw been established?
I would ask that all decision makers walk this route to get a complete understanding of the predictable catastrophe that Rockland County will experience should the CHPE project be allowed to go forward.
Thank you.
Laurrie Cozza
205 Wayne Ave.
Stony Point, NY
845.269.3979

818-01
818-02
818-03

818-01: Impacts on wetlands as a result of this project are provided for each segment of the transmission line in EIS Sections 5.1.8 (Lake Champlain), 5.2.8 (Overland), 5.3.8 (Hudson River) and 5.4.8 (New York City Metropolitan Area). There are two identified wastewater pipelines in the vicinity of the project route. As stated in Section 5.3.15 of the EIS, one line has been identified at MP 297.3 and one line has been identified at MP 326.4. HDD techniques would be used to cross underneath both of these wastewater lines; therefore, no impacts are expected. For information regarding impacts on Superfund sites, see Sections 3.3.15 and 5.3.15 of the EIS.

818-02: See Chapter 6 (Cumulative Impacts) of the EIS for information related to potential impacts related to the United Water's Desalination Plan, CSX Rail Extension, and Indian Point Nuclear Power Plant. See EIS Section 5.3.9 for information relating to the Ramapo Fault. The Spectra-Algonquin Incremental Market (AIM) Natural Gas Pipeline project description has been added to Section 6.1.1.4 of the Final EIS, and the cumulative impacts analysis in Section 6.1.2 of the Final EIS.

818-03: The responsible party for the accident would be the one that is responsible for any damage caused to the transmission line. See Sections 5.1.14 and 5.3.14 of the EIS regarding responses to transmission line problems during operation.

Comment 819

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

Susan Filgueras
87 Mott Farm Rd
Tomkins Cove, NY 10986
845-429-3229

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

Mr. Brian Mills
Office of Electricity Delivery and Energy Reliability (OE-20),
U.S. Department of Energy,
1000 Independence Avenue, SW,
Washington, DC 20585;

via e-mail to Brian.Mills@hq.doe.gov;
by facsimile to (202) 586-8008;
Please mark envelopes and e-mail subject lines as **"CHPE Draft EIS Comments."**

Written comments must be received by **January 15, 2013**. Comments submitted after that date will be considered to the extent practicable.

Please Title your response: **USACE: Public Notice #NAN-2009-01089-EYA & DOE: "CHPE Draft EIS Comments"**

Your e-mail or phone call or fax or e-mail can be sent to:

Mr. Brian Mills
Department of Energy
Office of Electricity Delivery&Energy Reliability (OE20)
U. S. Department of Energy
1000 Independence Ave, SW
Washington, DC 20585
Phone: 202-586-8267
Fax: 202-586-8008
Brian.Mills@hq.doe.gov

Jodi M. McDonald
USACE Chief, Regulatory Branch
New York District
U.S. Army Corps of Engineers
26 Federal Plaza, Room 1937
New York, NY 10278
917-790-8092
212-264-4260
jun.yan@usace.army.mil

Susan Filgueras

87 Mott Farm Rd

Tomkins Cove, NY 10986

845-429-3229

SFilgueras@optonline.net

Just Say No! to the Champlain Hudson Power Express, **Susan Filgueras, 845-429-3229**

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

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BEFORE THE
PUBLIC SERVICE COMMISSION
STATE OF NEW YORK

1-16-2014 Case 13-ET

Verified Petition Of Champlain Hudson Power Express, Inc. And CHPE Properties, Inc. Requesting A Declaratory Ruling That The Companies Are Subject A Lightened Regulatory Regime, And A Declaratory Ruling That A Prior Transfer Of Ownership Did Not Require Commission Approval Or In The Alternative Approving Such Transfer

VERIFIED PETITION OF CHAMPLAIN HUDSON POWER EXPRESS, INC. AND CHPE PROPERTIES, INC. REQUESTING A DECLARATORY RULING THAT THE COMPANIES ARE SUBJECT TO A LIGHTENED REGULATORY REGIME, AND A DECLARATORY RULING THAT A PRIOR TRANSFER OF OWNERSHIP DID NOT REQUIRE COMMISSION APPROVAL OR IN THE ALTERNATIVE APPROVING SUCH TRANSFER

Rockland County Resolution

2010-Public Hearing Notices

2012 Public Hearing Notices – April 12, 2012

Ownership Documents, verification of Canadian ownership

2-27-2012 CSX Design and Construction Standard Specifications (Joint Proposal exhibit)

3-6-2012 Preferred Alternative Trajectory- e-mail William S. Helmer to Dr. Pell

6-14-2012 -USACE to Brian Mills DOE- how many other transmission lines on row?

6-19-2012 Rockland County Resolution –Opposing CHPE

7-2012- CHAMPLAIN HUDSON POWER EXPRESS PROJECT, ENVIRONMENTAL IMPACTS ASSOCIATED WITH ROUTING PROPOSED IN JOINT PROPOSAL
Case 10-T-0139 Joint Proposal Hearing Exhibit 121, Page 1 of 503

CSX claims to offer a right of way on property *they do not own*

9-12-2012- E-mail (2) to Brian Yates – New York State Historic Preservation –regarding Waldron Revolutionary War and War of 1812

.9-12-2012 Letter to Jeffery Earle for injunction against CHPE to save the Waldron Cemetery

10-23-2012 NYS Senate Hearing on Energy & Telecommunications

4-18-2013 NYS Order Granting Certificate of Environmental for Compatibility and Need - pgs 31 to 36

4-18-2013 NYS Order Granting Certificate of Environmental for Compatibility and Need --- pgs 83 to 85

Just Say No! to the Champlain Hudson Power Express, **Susan Filgueras, 845-429-3229**

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

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Just Say No! to the Champlain Hudson Power Express, **Susan Filgueras, 845-429-3229**

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

Background January 15, 2014

Mr. Mills,

I have repeatedly tried to find a reply portal or person for the Army Corps of Engineers. Jodi McDonald ran out of business cards at the DOE's Public Hearing in November, so I have never had her contact information. I find it very difficult to even find her listed at the USACE's headquarters. 819-01

I am somewhat confused as to the process, I had thought I had found all of the documents and then stumbled onto the USACE filing on the Champlain Hudson Power Express and they are a whole set of additional documents. They were not filed on the USACE's web site the maps were but not the documents. Is it usual for the USACE to file their DEIS documents on the applicants web site? I want to note that on this response. 819-02

The Champlain Hudson Power Express (aka "CHPE") proposed 333 mile transmission line has been a roller coaster of incorrect information, deliberately misled, and in some cases a study of totally incorrect information. To the novice trying to navigate State and Federal procedures this is simply overwhelming. When I began to research the Champlain Hudson Power Express (aka "CHPE") application three years ago I did not believe it had any value to New York State, especially Rockland County. All along the route, are abandoned Power Plants, tax challenges on these plants, their owners claiming the property no longer has the value, unemployment from Plant closures, the projected trajectory heavily residential and well established.

The main points I would like to make are:

1- You do realize that the route is not settled, and the delivery end point may very well be the Ravenswood Plant in Queens NY, owned by Trans Canada. There has been little environmental review on that end , but as it is simply an attachment to the Joint Proposal was it evaluated fairly and equally along with all other parts of this proposal? This delivery point is not mentioned in any of the documentation with the exception of Attachment J to the Joint Proposal. 819-03
2- The Desecration of the Stony Point Battlefield, where we know that soldiers are buried where they fell.
3- The Destruction of the Waldron Revolutionary War and War of 1812 Cemetery. 819-04
   a. Con Ed I believe accidently purchase the land and then built a sub-station on the outer fringes,
   b. I have spoken to them about the Cemetery but they were embroiled in their own debate with CHPE over the Luyster Creek site.
4- Eminent Domain- CSX row is not big enough in Rockland has anyone really checked the rest of NYS. 819-05
5- No Jobs- Joint Proposal, Order Granting Certificate of Environmental for Compatibility and Need, DOE DEIS all agree MIMINUAL JOBS.
   a. Each of these documents state but do not expand that CHPE may be given a higher ranking in the electric pool that is purchased, thereby cutting NYS production , closing NYS Power Plants 819-06
6- Savings- each of the controlling documents show a significantly "LESS"/ different savings than CHPE, it is not quantified clearly- the JP and Order state the savings are Production area savings not Stake Holders. 819-07
7- No Environmental Impact Statement done on the Rockland County Land Installation 819-08

I really do not want to be disrespectful to the fish but….. what about the humans who live on the line, don't we count?

Just Say No! to the Champlain Hudson Power Express, **Susan Filgueras, 845-429-3229**

819-01: Jodi McDonald, Chief of the USACE New York District Regulatory Branch, can be contacted at 26 Federal Plaza, New York, NY 10278-0900.

819-02: The EIS was developed cooperatively among multiple Federal and state agencies to address the potential impacts of issuing the Presidential permit for the proposed CHPE Project. Two of the agencies involved in the preparation of the EIS are the DOE, the lead Federal agency, and the USACE, a cooperating agency. The EIS for the proposed CHPE Project and related documents are available for review in the Document Library on the CHPE EIS Web site (http://www.chpexpresseis.org), and a subset of the EIS documents are available on the DOE NEPA Web site (http://energy.gov/nepa/eis-0447-champlain-hudson-power-express-transmission-line-project-new-york). The Draft EIS was not available on the USACE and Applicant Web sites.

In addition to being a cooperating agency for the preparation of the EIS, USACE is responsible for reviewing the Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the CWA permit applications submitted by the Applicant for the proposed CHPE Project. As such, the USACE's Web site for the CHPE project (http://www.nan.usace.army.mil/Missions/Regulatory/RegulatoryPublicNotices/tabid/4166/Article/18814/nan-2009-01089-eya.aspx) consists of documents related to their review of the Applicant's Section 10 and Section 404 permit applications.

819-03: See response to Comment 109-04.

819-04: See response to Comment 121-03.

819-05: Yes. The maps provided as Appendix B to the Joint Proposal show a number of deviation areas along the terrestrial portions of the route outside Rockland County.

819-06: The New York State electricity market is regulated by the NYSPSC and the NYISO and, therefore, the pricing mechanisms for power purchases in the New York State electricity market are outside the scope of this EIS. As presented in Section 1.2 of the EIS, the purpose and need for DOE's Proposed Action is whether or not to issue a Presidential permit for the proposed transmission line crossing of the U.S./Canada international border (i.e., proposed CHPE Project). Continued operation of other in-state electric power sources is not the subject of the application for a Presidential permit and, therefore, is outside the scope of the EIS.

819-07: See response to Comment 803-09.

819-08: Section 5.3 of the EIS provides a full analysis of the potential environmental impacts associated with installing the buried transmission line on land through Rockland County.

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

I object to CHPE's portrayal of the CSX ROW within Rockland County. Except for a few small areas it does not exist. See attached 10-23-12 Presentation to the NYS Senate Energy and Telecommunications Committee, Hearing held in Stony Point NY. The majority of CHPE's proposed trajectory within Stony Point and Haverstraw is Eminent Domain,
CSX claims to offer a right of way on property *they do not own.*

819-09

Case 10-T-0139 Joint Proposal Hearing Exhibit 121
Page 1 of 503

CHAMPLAIN HUDSON POWER EXPRESS PROJECT, ENVIRONMENTAL IMPACTS ASSOCIATED WITH ROUTING PROPOSED IN JOINT PROPOSAL

Comment: Page 2- last pp- CSX installation Guide lines for HDD drilling- the installation must be 25 ft from the centerline of the outside rails

1.1.1 Overland Installation Methodology

For the overland portions of the Facility route, the cables will be buried via excavated trenches or trenchless technology (e.g., Horizontal Directional Drilling ("HDD") or Jack and Bore (J&B)) methods. For underwater cable installation, the primary methods utilized for installation will be water jetting, jet plowing, plowing, and dredging, with shoreline crossings completed by HDD. Further details of the cable installation methods and equipment are described below. The majority of the overland portion of the Facility route is located within or immediately adjacent to the existing CP, CSX Railroad ("CSX"), and NYS Route 22 rights-of-way. A minimum separation distance is required from the rails to the cables by each railroad; CP requires a minimum separation of 10 feet from the centerline of the outermost track to the cable trench, and **CSX requires a minimum separation of 25 feet from the centerline of the outermost track.** The typical and preferred layout is to have the bipole (2 cables) installed on one side of the railroad tracks. With this layout, the limits of construction activity extend 40 feet beyond the required minimum setback of the railroads. This 40-foot area will include the area needed for excavation of the trench, installation of erosion and sediment control measures, installation of the two cables and stockpiling of excavated material. Along the railroad, the construction corridor will generally be 40 feet wide on one side of the track. There are areas that will require different configuration and pose additional engineering challenges, such as steep slopes, environmentally sensitive areas, and existing structures. These areas will be identified and site-specific engineering solutions will be developed as part of the EM&CP. A minimum construction **corridor of 25 feet will be required along the edge of Routes 22 and 9W for installation** of the HVDC bi-pole cables, although a wider width may be employed to allow for more efficient construction and quicker completion of the work in these areas

Volume 1 Impact Analysis S-6.2 Proposed CHPE Details page S-12

Comment: Donald Jessome, Vice president CHPE and Board Member of TDI-Canada, specifically stated in the June 26, 2012 Stony Point Meeting that there would be no cooling stations, simply more misdirection- apparently he did not expect us to have read the actual documents.

Cooling Stations. In certain situations where there is a long segment of cable installed by HDD, heat can accumulate in the HDPE conduit and reduce the performance of the transmission system. The Applicant has identified 16 sections of underground cabling where the potential for heat accumulation could require that a cooling equipment station be installed at each section. Each of the 16 cooling stations would consist of a chiller unit and pumping system within a building and this equipment would circulate chilled water through tubing in a closed-loop system alongside the HVDC cable to cool the cables.

819-10

Just Say No! to the Champlain Hudson Power Express, Susan Filgueras, 845-429-3229

819-09: See response to Comment 816-04 regarding transmission line lengths in ROWs in Stony Point and Haverstraw and Comment 105-04 regarding the ROW and the use of eminent domain.

819-10: Cooling stations are proposed and are discussed in detail in Section 2.4.5 of the EIS, and an impact analysis for construction and operation of such is included in resource areas in Chapter 5.

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

3.3.15 Hazardous Materials and Wastes
Section 3.1.15 **Page 3-111 pp-2**

Comment: **There is a cursory glance at the sites mentioned below; shouldn't CHE have mentioned the 285ft. coal ash pile that is leaching into our ground water? It is mentioned prominently in the DEC letter dated 11-5-2011. Is this what passes for an Environmental Review, I have many of the records for 3 of the 4 sites listed below and the blithe fashion that CHPE has addressed these sites is appalling. Where does the Haverstraw Land Fill stand? What happens if CHPE starts HDD drilling, are there gases trapped? Is there chemical waste intermingled with the debris? If CHPE start HDD drilling will contaminated waste escape out into the Hudson River? The Temco site is in a heavily populated residential area, if they disturbed that area will the gases become air borne? How will that affect the Health of the residents? Isothere a plan in place to evacuate in case of a disaster? The same questions will apply to Kayfries.** 819-11

I think we can say there has been NO Environmental Impact Statement for the Rockland County Land Installation.

1- **Letter dated 11-5-2011 DEC to town of Stony Point concerning the Lovett Power Plant Site (attached)**
2- **The Haverstraw Landfill is a Brown field at the very least**
3- **Temco Uniform Factory**

Regarding the terrestrial portions of the Hudson River Segment, as noted in **Section 3.2.15**, railroad ROWs are areas with high potential for environmental contamination. Additionally, environmental contamination is possible in the vicinity of railroad and roadway ROWs from adjoining industrial and commercial facilities. Examples of adjacent facilities where soil and groundwater contamination is present or potentially present in this segment are the former Mirant-Lovett Electric Generating Station, Haverstraw Landfill, Kay-Fries National Priorities List **Superfund site (USEPA Identification Number NYD980534564),** the former Temco Uniform Factory site, and automobile repair facilities located along U.S. Route 9W in Clarkstown. The former Temco Uniform Factory is a **NYSDEC Class 2 Inactive Hazardous Waste Site located at MP 298.4** of the proposed CHPE Project transmission line route in West Haverstraw. This site currently is being investigated by the NYSDEC for environmental contamination resulting from industrial uniform manufacturing, washing, and dry cleaning that occurred from 1985through 2002 (TRSA 2012).
What they are not mentioning is the

See cover Picture in front of my reply it shows all of the projects in this area of 7.2 miles.

SPECTRA AIM Project- a 42in High Pressure Gas Main being fracked across the Hudson in the Ramapo Fault. CHPE's plans are to lay their "HOT" Transmission line on top of the 42in High pressure gas main. Then the West Point power Express will do the same thing as it comes out of the ground at Indian Point. Are you nervous yet? 819-12

The worst is – is that they are I believe 3 existing and 1 new (42inc.) Natural Gas High Pressure Mains that cross to Westchester in front of the Lovett site, mile marker just north of mile market 295.5

Iona Island

Iona Island is an American Eagle sanctuary. CHPE will need to blast ledge along Iona Islands riverfront to proceed, Has anyone told CHPE that this island was once used as an ARMORY and there may still be ordnance on the island ? 819-13

Just Say No! to the Champlain Hudson Power Express, **Susan Filgueras, 845-429-3229**

819-11: See response to Comment 819-07. Section 5.3.15 of the EIS addressed the potential impacts of constructing the proposed CHPE Project in the vicinity of the former Mirant-Lovett Electric Generating Station, Haverstraw Landfill, the Temco Uniform Factory, and Kay-Fries National Priorities List Superfund site. During construction and operation of the proposed CHPE Project, the Applicant would implement environmental and construction management procedures and plans included in the EM&CP and other Applicant-proposed measures to minimize potential impacts during construction. Other plans, such as the Health and Safety Plans and the Emergency Contingency Plan, would also be implemented to ensure construction activities are conducted in a safe manner.

819-12: A description of the Spectra AIM Natural Gas Pipeline project has been incorporated into Section 6.1.1.4 of the Final EIS. The West Point Transmission Project is discussed in Section 6.1.1.4 of the EIS. The Applicant would design, construct, and install the proposed CHPE Project to be compatible with existing utilities, including natural gas and electric power system infrastructure, in both aquatic and terrestrial portions of the route. The Applicant would consult with utility owners prior to construction to design protection measures and specifications to account for existing utility facilities. The Applicant would also implement various additional BMPs to minimize potential impacts on utilities (see Appendix G of the EIS).

819-13: Blasting would not be conducted in the vicinity of Iona Island during installation of the proposed CHPE Project.

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

Desecration of the Stony Point Revolutionary War Battlefield, where we know there are soldiers buried where they fell.

Waldron Revolutionary War and War of 1812 Cemetery

The final insult to common decency, Donald Jessome, Vice President of the Champlain Hudson Power Express's utter contempt for the Waldron Revolutionary War and War of 1812 Cemetery, stated at a June 26, 2012 meeting in Stony Point, don't worry we will shoot a bullet through the Cemetery, how deep will your bullet be- Jessome "oh about 3ft". I guess they bury Canadians in shallow graves.

819-14

Joint Proposal, approved on a trajectory they have agreed not to use, and agreed to in the Joint Proposal.

A Joint Proposal negotiated and approved on an installation route in the HUDSON RIVER,

Do we know where CHPE is going?

The final loss of all common sense is that the New York State Public Service Commission approved a project to …… WHERE? In an e-mail from William Helmer to Dr. Pell dated 3-6-2012, he states that the preferred route is the one that was submitted with the Joint Proposal. You need to read ALL 5000+, pages to know that on

Volume 1 IMPACT ANALYSIS, Page S-17

S.7 Alternatives Considered but Eliminated from Further Detailed Analysis
Several technology, alignment, and construction alternatives were considered but eliminated from further detailed study for various reasons. Alternatives considered but dismissed are discussed in the following paragraphs, along with the reasons for dismissal.

S.7.1 Alternative Upland Transmission Line Routes
The Applicant considered a range of terrestrial routes for the transmission line. These alternatives included consideration of transmission line alternatives that would have been installed either on overhead structures or buried within a new or existing terrestrial ROW, rather than in Lake Champlain or the Hudson, Harlem, and East rivers. An alternatives analysis report documenting the evaluation of alternative routes was submitted by the Applicant to the USACE in July 2013 as part of the Applicant's Clean Water Act (CWA) Section 404 permit application. This report is included in the EIS as **Appendix B**. DOE determined that these alternative transmission routes were not reasonable due to engineering feasibility, cost, and logistical considerations (e.g., legal limitations), and, therefore, they have been eliminated from further consideration in the EIS.

Alternatives considered included the following:

- Constructing the transmission line in and along existing electrical transmission line ROWs from the U.S./Canada border to New York City
- Constructing the transmission line in and along existing highway and roadway ROWs
- Constructing the transmission line within existing railroad ROWs beyond those identified as part of the proposed CHPE Project
- Using combinations of railroad, electrical, and roadway ROWs
- Development of a new electrical transmission line ROW

Comment: **All of these documents finally hint at it will be the route as stipulated within the Joint Proposal, CHPE once again has mislead the Stake Holders in this case, he had promised our Supervisor that the Cememtery would not be invaded.**

Just Say No! to the Champlain Hudson Power Express, **Susan Filgueras, 845-429-3229**

819-14: See response to Comment 121-03 regarding details about the installation of the transmission line under the Stony Point Battlefield Historic Site via HDD, the siting of the transmission line at Waldron Cemetery, and the CRMP that would manage such (also see EIS Section 5.3.10).

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

CHPE's Environmental Trust Fund http://www.chpexpress.com/environmental-trust-fund.php

Comment: 2003 to March of 2007- the Blackstone Group was the financial manager for the Mirant – Bowline and Lovett Power Plant bankruptcy they had plenty of time to study the interaction of the various groups of the Hudson Valley (while Rocklanders paid them to decimate our towns with the closure of the Power Plants) once again Blackstone found a weakness and exploited it. Blackstone, offered the Riverkeeper, Scenic Hudson and the NYS Council of Trout Unlimited an Environmental Trust Fund.

When the people along the trajectory of this transmission line begin to develop diseases and die, just like they did in Buffalo at the Love Canal, do you think that these groups will say at least we protected the fish?

Public Notice

As hard as it is for the layperson to understand the process, it is even more difficult for me to believe that the DOE, the USACE, and the NYS PSC, simply skipped over the Towns of Haverstraw and Stony Point during their public input sessions in 2010. The one meeting in 2012 held in Haverstraw was poorly attended. I cannot find where the meeting was publicized in the Local paper, I only knew because my Dad went into the Haverstraw Town Hall. There has been no local outreach. 819-15

Bilingual Populations

We have two communities that have a bi-lingual population yet no outreach has been done for those communities. 819-16

Congresswoman Lowey

Had it not been for Congresswoman Lowey's letter of July 1, 2013 requesting that the Department of Energy schedule a hearing here in Stony Point, our voices would never have been heard.

What CHPE tells to the Stake Holder

Rockland County was introduced to the Champlain Hudson Power Express the hard way, the deal was already done. We have been defending our Town from CHPE for almost three years. CHPE has come to Stony Point three times and each time the story changes. On June 6, 2012 Donald Jessome, Vice President CHPE-USA and Board Member of TDI Canada, came with his team, and stated for the record,

CHPE's Marketing Claims	Addressed by one or the other or All 3- DOE– DEIS/, Joint Proposal- Order Approving
No Eminent Domain	States clearly Eminent Domain will need to be used
Savings,	Each of the documents state clearly – Production Area Savings, not rate payers
Jobs	NO JOBS- DEIS is clearest – 26 jobs, Construction-labor would be imported due to specialization of work-Order Approving - states –applicant's submission was

Just Say No! to the Champlain Hudson Power Express, **Susan Filgueras, 845-429-3229**

819-15: As stated in Section 1.7.1 of the EIS, DOE conducted seven EIS public scoping meetings in 2010, although none were in Haverstraw or Stony Point. DOE's 2010 Scoping Summary Report is in Appendix D of the EIS. DOE did not conduct separate scoping meetings after it published an amended Notice of Intent in April 2012, but it did accept scoping comments. DOE's 2012 Scoping Summary Report Addendum is in Appendix D of the EIS. The NYSPSC held six public statement hearings on the Joint Proposal in April 2012, of which one was held at the Haverstraw Town Hall. DOE reviewed the public statement hearing transcripts from the NYSPSC public statement hearings and considered them, in addition to scoping comments submitted directly to DOE on the EIS, as potential scoping comments for purposes of the EIS. The public hearing for the Draft EIS held in Stony Point in November 2013 was attended by over 200 people.

819-16: See response to Comment 109-03.

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	wholly inadequate in this area
Support Local Economies	CHPE devalues ALL of the properties it crosses,
Taxes	the taxes collected will be a Utility formula as is standard practice in NYS - will be far less than what we lose as CHPE crosses multiple properties
Will help close Indian Point	This project was not mentioned in the " Order Instituting Proceeding and Soliciting Indian Point Contingency Plans" – until the correct infrastructure is in place in WESTCHESTER Indian Point cannot be closed for good, short term outages work but stress the GRID- CHPE does nothing to address that stress

Submitted on Nov 18, 2013 to Brian Mills, and to be made a part of this testimony:

The Just say No, committee gave to Brian Mills on Nov 18, 2013 a Disk of the Feb 5, 2013 CHPE meeting in the Town of Stony Point. (We had to insist they come back)

Ownership

The "NRE Transaction" (2009),

1 day after all comments are due to the DOE and USACE, CHPE has filed, with the NYS PSC *"Requesting A Declaratory Ruling That The Companies Are Subject A Lightened Regulatory Regime, And A Declaratory Ruling That A Prior Transfer Of Ownership Did Not Require Commission Approval Or In The Alternative Approving Such Transfer". (Case 13 -ET)* This sale took place in 2009. The "NRE Transaction" (2009), has been in all of the financial documents that CHPE has submitted to the FERC and the NYS PSC. What is the importance of this filing, who will it impact, does it have any financial, integrity or liability issues?

(Attached is the Ownership documentation submitted to the PSC by CHPE for their application)
Department of Energy web site- Document Library http://chpexpresseis.org/library.php – Bottom of page (the Presidential Permit document is too big to attach)

For verification purposes – the Champlain Hudson Power Express is a wholly owned Canadian Company,

"CHPEI is a joint venture of TDI-USA Holdings Corporation (TUCH), a Delaware Corporation, and National Resources Energy, LLC (NRE). TUHC, the majority shareholder in CHPEI, is a wholly owned subsidiary of Transmission Developers Inc. (TDI) a Canadian Corporation. NRE is a wholly owned subsidiary of National RE/sources Group, a limited liability corporation duly organized under the state of Connecticut,"

Presidential Permit, bottom of page 2- states

1.4 Foreign Ownership and Affiliations

Neither the applicant not its proposed transmission facilities are owned wholly or in part by any foreign government or instrumentality thereof.

Just Say No! to the Champlain Hudson Power Express, **Susan Filgueras, 845-429-3229**

819-17 **819-17:** See response to Comment 105-06.

819-18 **819-18:** See response to Comment 105-06.

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Has the Department of Energy verified that CHPE's relationship with Hydro –Quebec will simply be that of a shipper? That Hydro-Quebec has no other ties to the Blackstone Group that will allow them to influence the transactions on this transmission line. 819-19

Financing

Repeatedly CHPE has said that they will not take public money to build this transmission line. As reported by *Scott Waldman in Capitol News,11-18-13* "Hydro-Quebec is a Canadian state-owned utility that has received approval to sell power through the Champlain Hudson Power Express a 330 mile long transmission line, It recently requested access to State money to help fund the $2 billion project. The states pot of money to support renewable project's, currently comes from a utility bill surcharge on New York residents…."

Just Say No! to the Champlain Hudson Power Express, Susan Filgueras, 845-429-3229

819-19: As presented in Section 1.2 of the EIS, the purpose of and need for the DOE's action is whether or not to issue a Presidential permit for the proposed transmission line crossing of the U.S./Canada international border. Transactions in the New York State electricity market are regulated by the NYSPSC and the NYISO and are outside the scope of the EIS.

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

Volume 1 Impact Analysis

Just Say No! to the Champlain Hudson Power Express, Susan Filgueras, 845-429-3229

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

SUMMARY

Someone said to me have you followed the process. Yes we have, please note these are not the original Public Hearing dates, Stony Point nor Haverstraw was on the list. We were behind before we got started.

July 8, 2010 City Hall, Bridgeport, CT 10
July 9, 2010 Federal Building, Manhattan, New York City 25
July 12, 2010 Royal Regency Hotel, Yonkers, NY 27
July 13, 2010 Holiday Inn, Kingston, NY 28
July 14, 2010 Holiday Inn, Albany, NY 31
July 15, 2010 Ramada Inn, Glens Falls, NY 18
July 16, 2010 North Country Chamber of Commerce, Plattsburgh, NY 28

Table S-1 Summary of Potential Impacts Associated with the Proposed CHPE Project page S-21

(middle of page) *Impacts on Resource areas form Construction and Operations, Maintenance and Emergency Repairs of the Proposed CHPE Project*

Comparison Factor/ Resource Area	Lake Champlain Segment	Hudson River Segment
Land Use	**Construction:** Temporary, non-significant increase in limitations on water-based uses. **Operations:** *Potential for future limitations on water based uses or access during inspection activities; use limitations from maintenance and emergency repairs would be shorter-term and more localized than for construction	**Construction/Operations:** Same temporary use and access limitations or disruptions and potential future land use restrictions as Lake Champlain and Overland segments.

Comment: **I believe that this is the first hint that Rockland County and New Yorkers in General will have limited access to the Hudson River along the trajectory of CHPE. If approved CHPE, a wholly owned Canadian Corporation can use our property as a high voltage "Hot " electric transmission line corridor creating a CANAL of transmission lines (I believe that CSX and CHPE have an agreement to solicit more transmission lines for this row) to one of the world most lucrative electric markets NEW YORK CITY.**

In essence reducing our majestic Hudson River to a flowing waste land of leaking fluids from these transmission lines, making this route the "LOVE CANAL" of the 21st CENTURY!

819-20

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819-20: The proposed CHPE Project would not prevent, prohibit, or inhibit access to the Hudson River in Rockland County. As discussed in Section 5.3.1 of the EIS, short-term, water-based limitations in the Hudson River would occur in areas directly adjacent to transmission line installation activities, and would include temporary localized limitations on boats entering a work area during periodic inspection and emergency repair (if necessary) for vessel safety reasons.

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Impacts from Operations, Maintenance and Emergency Repairs Pg-S-34&S-41

Impacts on land use would result from operation of the proposed CHPE Project **because future use of the land within the transmission line ROW would be limited for the lifespan of the transmission line**. The **Applicant would be granted either exclusive control** of (via fee or easement for private property), or other appropriate interest or rights to use (via revocable consent or use and occupancy permit for public ROWs such as roadways or state land or lease for the railroad ROWs) **a 20-foot (6-meter)-wide transmission line ROW**. Property owners granting the use of portions of their lands as the transmission line ROW would be prohibited from taking any action on that land that would damage or interfere with the Applicant's maintenance, inspection, and emergency repair activities with the ROW. It is anticipated that easements negotiated with private landowners would be bilateral easements in which the Applicant and landowner mutually agree to the easement provisions. While use of eminent domain would be avoided to the maximum extent practicable, limited easements or leases for the transmission line ROW in areas outside of the roadway and railroad ROWs might need to be obtained via eminent domain as part of the NYSPSC Article VII approval process. **However, property owners would receive just compensation for this loss of use.**

Comments: **Within Rockland County the amount of ROW is questionable, simply put**

CSX does not own the land it is offering for the ROW!

Is what CSX proposes to do Legal?
Can CSX offer land for a ROW that they do not own?

Frankly this is simply a "Land Grab" by both CSX and the Blackstone Group, so that they may have enough land to lease on the row to other transmission lines per the USACE letter dated June 14, 2012, "how many other transmission line will fit on this row?"

819-21

819-21: See response to Comment 105-04.

Impacts from Operations , Maintentaince and Emergency Repairs S-34 pp 2

Activities impacting transportation and traffic operations along the terrestrial portion of the proposed CHPE Project route would include those associated with operation, regular inspection, maintenance, and possible emergency repairs of the transmission line. Regular inspection of the terrestrial portions of the transmission line and aboveground infrastructure (i.e., cooling stations and converter station), and routine preventive maintenance of the aboveground infrastructure would generally be non-intrusive and not disrupt (i.e., delay, temporarily cancel, or otherwise change) transportation operations or traffic. If necessary, emergency repairs of the transmission line or aboveground infrastructure would be expected to result in temporary construction-related disturbances (e.g., temporary lane rerouting or closures from the presence of emergency repair activities) that would impact transportation uses along the proposed CHPE Project route.

Comment: **CHPE also down plays their request for access roads, which will become a "LAND GRAB" they justify the so called access roads as, needed for inspections and maintenance, then they state there is little to no maintenance.**

819-22

819-22: Access roads would be sited to the extent possible within existing road and railroad ROWs, and would be limited to the minimum space necessary. Where practical and with landowner and NYSDPS approval, existing private roads, driveways, and farm lanes would be used. If access roads would be required outside of the existing road and railroad ROWs, the Applicant would obtain authorization (e.g., leases, easements, construction permits, revocable permits/consent, highway work permits, use and occupancy agreements/permits, or other agreements) from the public or private landowners. See response to Comment 803-02 regarding use of eminent domain.

S.8.7 Terrestrial Protected and Sensitive Species

Impacts from Construction S-45 pp2

Transmission line construction in the Overland Segment would directly impact approximately 67 acres (27 hectares) of wetlands within the construction corridor. **The Hudson River Segment of the proposed CHPE Project would have an 8-mile (13-km) terrestrial segment that would cross three additional wetland areas**

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in Stony Point and Haverstraw totaling 0.8 acres (0.3 hectares). The transmission line would cross a 0.03-acre (0.01-hectare) wetland in Haverstraw; the other two crossings would be by HDD. No delineated wetlands are present in the construction corridor of the New York City Metropolitan Area Segment.

Comment: What will happen to the Stony Point Trunkline Sewers within this trajectory which have not been identified within the DEIS by CHPE.

We have two –

Just north of MILE MARKER 296.5,

Between MILE MARKERS 297.3 and 297.4

819-23

Stony Point is part of Governor Cuomo's Community Reconstruction Zone Program, and this area figures heavily into storm mitigation. The CHPE transmission line is in direct conflict with Stony Points participation in the Governors Community Reconstruction Program.

CHPE has not addressed the new FEMA Flood Zones and how will their proposed trajectory disables Stony Point's ability to develop a plan for Resiliency when CHPE negates all that we can or could do. CHPE is taking ownership of a 20ft ROW smack in the middle of the Community Reconstruction Zone, NOW WHAT!

819-24

S 8.10 Cultural Resources Impacts from Construction S47 whole page

Ground-disturbing activities associated with construction could damage archaeological features and would disturb the context of artifacts of terrestrial archaeological sites, underwater sites, and historic cemeteries. In the case of terrestrial and underwater archaeological sites that are listed or eligible for listing in the NRHP, this could constitute an adverse effect under 36 CFR 800.5(a)(1) and, therefore, require mitigation. Because the transmission line would be underground or underwater and would avoid any standing structures, the adverse effects from construction on the NRHP-listed and –eligible architectural properties in the APE would be limited to exposure to temporary noise, dust, and vibrations and short-term visual effects from the proximity of construction activities and equipment. The effects would not require mitigation. HDD would be used to install the transmission line under Stony Point Battlefield Historic Park. As specified in the conditions

Comments: I cannot under any circumstances condone this leg of the project- within the Battlefield there are soldiers buried where they fell on the property, THIS IS DESCREATION of a burial ground and a National Treasure. It is offensive to me as a Catholic, and to my Native American Heritage!

819-25

I personally hold Governor Cuomo responsible for this desecration. I will consider this a personal challenge to make sure that I communicate the fact that Governor Cuomo has approved and supports a project that totally dismisses and dishonors our the very soldiers who died for his right to be elected! I have to ask myself the question – does NYS need a Governor who has no respect for our Veterans?

Impacts from Operations, Maintenance, and Emergency Repairs

2nd pp S-49

Where the proposed CHPE Project route would cross aesthetic resources such as Stony Point Battlefield State Park and Rockland Lake State Park, the Applicant would use HDD techniques, which would allow installation of the transmission line without disturbing the surface features of the parks. This would eliminate any potential impacts on these aesthetic resources from construction activities. Construction equipment would be visible during construction at the HDD staging area sites.

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819-23: The referenced infrastructure is identified in Section 3.3.12 of the EIS, which identifies a storm water drainage pipe at approximate MP 296.6 and a sewer line at approximate MP 297.3. Section 5.3.12 of the EIS states that there would be no impacts on the storm water drainage pipe or the sanitary sewer line because both would be avoided by using HDD technology. See Appendix G of the EIS and the response to Comment 102-010 regarding additional impact minimization measures applicable to utility infrastructure that would be implemented during construction.

819-24: The Floodplain Statement of Findings appendix in the Final EIS (Appendix S) reflects the best available FEMA-approved flood zone data. See the response to Comment 803-04 regarding the proposed CHPE Project route near developable areas.

819-25: The proposed CHPE Project transmission line would be installed using HDD technology under the Stony Point Battlefield State Historic Site (see EIS Section 5.3.10). The proposed route would be installed under the railroad ROW using HDD through the battlefield. No cemeteries or gravesites have been identified along this portion of the railroad ROW, and the transmission line would be installed via HDD at such a depth under the battlefield that any features near the surface would not be disturbed.

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Comment: First there has to be a staging area (a fairly large installation with fuel, tools, parking for truck storage) and within a reasonable distance of the installation. There are no roads within the Battlefield –Park. How does the DOE and USACE foresee managing the issue of CHPE wanting to cut in access roads, which would be HIGHLY DETRIMENTAL an d destructive to the Battlefield-Park. Worse they will want to keep their access roads for the life of the transmission line, appox 30 years. — 819-26

5th PP

Cooling stations would be present along the proposed CHPE Project route within aesthetic resources, such as Saratoga Spa State Park and Spensieri Park. However, the cooling stations would not result insignificant visual impacts or would have impacts on aesthetic resources because the cooling stations would be small and only minimally change the character of the existing view shed

Comment: Donald Jessome said and I quote "there would be no cooling stations" How does CHPE propose to go from a submarine cable to a land cable in the Stony Point Battlefield without a cooling station? The transference of HEAT will be enormous!

SEE BELOW COMENT

S-8.13 Recreation page S-50, pp6

Use of HDD would avoid adverse impacts on recreational users by allowing installation of the transmission line without disturbing the surface features or uses of park lands. Staging areas for HDD would be outside of park boundaries, though equipment could be visible during construction; however, no permanent impacts on recreational resources would be anticipated. **No cooling stations would be constructed on park lands or in recreational areas, and access to recreational areas would be maintained during construction**

Comment: Within the Joint Proposal and the Order Granting Certificate of Environmental Compatibility and Public Need issued- 4-18-13, they state clearly there will be cooling stations placed within the Battlefield-park. I believe that it will be a physical necessity that a cooling station be built on Park property as CHPE will be transitioning from submarine cable to land cable- there will be an enormous transfer of heat. How does the DOE and USACE plan to make sure that enormous damage is not done to the Battlefield with this installation? — 819-27

S.8.14 Public Health and Safety page 51 pp-1

Comment: This is a difficult topic to address, especially as I have tried to read the majority of the 5000 plus pages, (and the USACE file on CHPE's web site) and frankly the entire proposal makes me ill. I do not believe that any Government Agency has really looked at the Health and Welfare of the Stake Holders. I believe Governor Cuomo has allowed the Canadians to New Yorkers as guinea pigs. — 819-28

S.8.18 Socioeconomics page 55 pp-5

Construction and operation of the proposed CHPE Project would require relatively few specialized workers and laborers over the lifetime of the project. Project requirements for non-specialized construction workers and local housing units along the CHPE Project corridor should be adequate to meet labor demands associated with the project. Tax receipts and revenue associated with construction expenditures would increase for local municipalities and an annual reduction in wholesale electrical energy market prices would occur.

Just Say No! to the Champlain Hudson Power Express. Susan Filgueras, 845-429-3229

819-26: The proposed CHPE Project transmission line would be installed using HDD technology under the Stony Point Battlefield State Historic Site. No staging areas, including those for the HDD drilling rig, or access roads would be constructed within Stony Point Battlefield State Historic Site.

819-27: The NYSPSC Certificate does not state that there would be a cooling station in Stony Point Battlefield State Historic Site, but rather indicates that Exhibit 117 of the Joint Proposal includes a list of cooling equipment at locations along the proposed CHPE Project route. Exhibit 117 identifies that a cooling station might be required at MP 296 for the portion of the proposed CHPE Project route installed using HDD technology under the Stony Point Battlefield State Park. The cooling station would be located outside of Stony Point Battlefield State Historic Park. Section 2.4.5 of the EIS states that a cooling station would be installed at approximate MP 296.

819-28: Comment noted. Sections 5.1.14, 5.2.14, 5.3.14, and 5.4.14 of the EIS address potential impacts of the proposed CHPE Project on public health and safety.

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Comment:

Once again CHPE has managed to misinform the Stake Holders, jobs if any will be minimal due to the specialization needed for the installation. That means NO JOBS under any scenario.

If in fact your document is correct, then that makes CHPE's assertions about Jobs, false, how does the USACE and the DOE reconcile this fact, one of you (DOE&USACE or CHPE) has to be wrong. 819-29

CHPE states ratepayers will receive significant savings, HOW. The Devaluation of our personal properties as CHPE crosses them, fear of a 1,000 MW transmission line will prevent residents from selling their homes, essentially reducing the homeowner's net worth and overall wealth by …… Would you buy a home with a 1,000 MW transmission line on the property, especially if you had children, Ummmm I don't think so. 819-30

Would you buy a home in a Town that allowed a foreign nation, for self-serving profit to totally obliterate a Revolutionary War Cemetery? 819-31

The proposed CHPE transmission line will take over our shore line and then claim National Security due to their transmission line and Stony Point will lose access to the shore line and the last bastion of hope for economic development within Stony Point. 819-32

Stony Point is part of Governor Cuomo's Community Reconstruction Zone Program- specifically developed for those communities that Hurricane Irene and Sandy battered. It is an opportunity for a $3 million dollar grant to *Build Back Bigger and Better with more Resiliency*.

It has enabled Stony Point to work with "AKRF, INC. Environmental, Planning, and Engineering Consultants" as part of the program. To develop a flood mitigation plan, and at the same time develop an economic plan for community growth.

I guess you need to be a New Yorker to see the irony in Stony Point belonging to such a program, what Governor Cuomo gives to Stony Point CHPE will come in and tear it asunder.

Page S-55

Impacts from Construction

Over the approximated 4-year construction period, the proposed CHPE Project would result in an ***Estimated average 300 direct construction jobs***. Additionally produced indirect and induced jobs would be associated with supplying materials and providing other services for construction of the proposed CHPE Project.

Comment: **Once again CHPE has managed to misinform the Stake Holders, jobs if any will be minimal due to the specialization needed for the installation. That means NO JOBS under any scenario. See below they tell you in section S. 8.18 Socioeconomics, there are minimal jobs. This entire paragraph is deliberately misleading.** 819-33

"S.8.18 Socioeconomics

Construction and operation of the proposed CHPE Project would require relatively few specialized workers and laborers over the lifetime of the project"

Page S-56

Relatively few (i.e., approximately 20) specialized workers would be required during construction activities and would be on site only for the duration of those activities (i.e., 2 weeks or less) in any given location. Non-specialized workers would be hired from the existing construction workforce along each segment of the proposed CHPE Project corridor. Therefore, it is unlikely that large numbers of workers would permanently

Just Say No! to the Champlain Hudson Power Express, **Susan Filgueras, 845-429-3229**

819-29: See response to Comment 101-02.

819-30: See response to Comment 105-06 and Section 5.3.18 of the EIS.

819-31: See response to Comment 121-03 and Section 5.3.10 of the EIS.

819-32: See response to Comment 803-04 regarding the proposed CHPE Project route near developable areas.

819-33: See response to Comment 101-02.

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

migrate to the area to meet the labor demands of the project. The few specialized workers travelling to the area for construction of the proposed CHPE Project would likely be housed either in local hotels or other short-term boarding units. Given the low number of specialized workers required for construction, existing housing options along each segment of the proposed project corridor should be adequate to meet the temporary increase in demand.

Comment: **NO JOBS< NO JOBS< NO JOBS< NO JOBS< NO JOBS- what are we missing I think it is clear one of the entities is wrong, CHPE, DOE or the USACE,** 819-34

Spending associated with construction (e.g., purchase of building materials, construction workers' wages, and purchases of goods and services) would temporarily increase tax receipts and revenue for local economies. Building materials required for the proposed CHPE Project would be purchased as needed from local sources. Construction activities within roadways could interfere with access to local businesses. However, construction zones would be established in a given location for 2 or less weeks at a time and a Maintenance and Protection of Traffic Plan would be developed to ensure continuous road access to businesses.
Easements would be acquired by the Applicant, where appropriate, along the proposed CHPE Project corridor and the Applicant would pay for any associated land restoration costs following construction activities in these areas. Since construction activities would be temporary and property would be returned to pre-construction conditions once completed, it is unlikely that property values would be impacted.

Comment: **This is EMINENT DOMAIN-, as for the properties being impacted – again I ask would you purchase a home with a 1,000 MW transmission line buried under your back yard, driveway? The CHPE transmission line has the ability to crush North Rockland and surrounding communities, as this is not about 1 transmission line but several. (USACE Ltr dated 6-14-12) CHPE will be a legislated monopoly and Rockland will be forced to allow (EMINENT DOMAIN- really no choice at all) additional transmission line installations creating a "LOVE CAMAL" area within Rockland County. DEMOLISHING Stony Point and Haverstraw's access to the Hudson River, CHPE's exit strategy is abandonment, with no thought to what the environmental impact will be.** 819-35

Page S-56

Impacts from Operations, Maintenance, and Emergency Repairs

Approximately 26 direct, full-time employees would be hired to operate the proposed CHPE Project; of this total, 21 employees would be located in the New York City metropolitan area. A negligible number of indirect jobs could also be created for maintenance inspections and possible emergency repairs that, if needed, would be conducted by contractors. Considering the low number of jobs that would be created, the existing workforce within the project area would be able to meet the employment and housing demands of the proposed CHPE Project. The Applicant would pay fees, as appropriate, to New York State agencies for use of state lands occupied by the proposed CHPE Project. Some elements of the proposed CHPE Project transmission system facilities would be taxable as real property. Local municipalities would impose a tax on the facilities and the Applicant would pay the tax. Tax receipts are estimated to be 2 percent of the annually assessed municipal property value; this percentage is calculated per New York State tax regulations and is subject to change.

Comments: **I challenge CSX's statement of ROW, it is not big enough for CHPE to be installed on the ROW. Though the majority of Rockland the ROW is 50ft wide, 25ft from the center line of the rail . The minimum construction guidelines for installation on CSX ROW is 25ft from the centerline of the rail. –NO ROW OUT OF PROPERTY_ CSX DOES NOT HAVE the PROPERTY.** 819-36

Just Say No! to the Champlain Hudson Power Express, **Susan Filgueras, 845-429-3229**

819-34: See response to Comment 101-02.

819-35: See response to Comment 803-04 regarding the proposed CHPE Project route near developable areas, and response to Comment 105-04 regarding the use of eminent domain.

819-36: See response to Comment 105-04.

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age S-58

Tappan Zee Hudson River Crossing Project, and possibly the **Grande Isle Intertie** across Lake Champlain and the West Point Transmission Project in the Hudson River (though the timing of these projects are unknown). Multiple activities occurring at the same time and vicinity would have greater impacts than just one project. If construction activities overlap in this area, then the construction-related impacts, such as disturbed substrate, temporary water quality degradation, sediment redeposition, increased turbidity, increased noise and vibration, and the potential for spills could be greater than for just one project. However, construction of the proposed CHPE Project would not affect any one area for long (i.e., no more than 2 weeks), so the short temporal overlap would limit cumulative impacts.Construction activities along terrestrial portions of the proposed CHPE Project route could result invegetation clearing, disturbances to wildlife, localized degradation of wildlife habitat, possible

Comment: **The following installations are ongoing and will converge on the Haverstraw/ Stony Point Boarder:**

1- **SPECTRA AIM Project**
2- **West Point Power Express**
3- **Haverstraw Desalization Project**
4- **CSX $26 Million dollar expansion**
5- **CHPE**

To an extent each of the above mentioned projects will at any one point in time be dregging, fracking and performing construction activities within the Hudson River and on land in Stony Point and Haverstraw.

The cumulative effect of these projects is not addressed with any of the documents. CHPE just ignored all and when SPECTRA applied to FERC and received approval for their project CHPE was not thought of. (SPECTRA is a 2 phase project, we are in the second phase)

Per the Picture on the cover page, Please note that both CHPE and the West Point Power Express will lay on top of 3 if not 4 High Pressure Natural Gas Mains. The newest of them will be SPECTRA AIM's 42 in High Pressure Natural Gas Main.

819-37

What is especially disturbing shouldn't CHPE have known what projects are being installed along the trajectory. Yet if they didn't, then we really nee d to ask ourselves if this is the type of company we want dragging a "HOT" extension cord behind them. If they knew and deliberately left it out of the application, that is a whole differ issue, so which is it frankly neither answer is a good one.

A decision needs to be made, depending on how much you are willing to turn a blind eye on CHPE's professionalism, their intelligence, their knowledge of the transmission line business and the area in which they want to install their transmission lines,

Rockland County really needs to know if we can trust CHPE to install a high tension transmission line. The absence of these High Pressure Natural Gas Mains especially the SPECTRA AIM, 42 ins pipeline, CHPE should have known about them, , do we really want to see how high a pipe like that go blow?

All of the attachments and referred to documents will be mailed tomorrow on a disk as they were to large to attached.

Thank You
Susan Filgueras

Just Say No! to the Champlain Hudson Power Express, Susan Filgueras, 845-429-3229

819-37: Section 6.1.2 of the EIS discusses potential cumulative impacts from other past, current, and foreseeable future activities, including the West Point Transmission Project, Haverstraw Water Supply Project, and CSX Track Expansion projects, when combined with the proposed CHPE Project. A description and analysis of the Spectra AIM project has been incorporated into Section 6.1.1.4 of the Final EIS.

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Tomkins Cove, NY 10986 **Ph: 845-429-3229**

Just Say No! to the Champlain Hudson Power Express, Susan Filgueras, 845-429-3229

Comment 820

GT GreenbergTraurig

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January 15, 2014

VIA ELECTRONIC MAIL and
UPS OVERNIGHT DELIVERY

United States Corps of Engineers
New York District
Jacob K. Javits Federal Building
New York, New York 10278-0090
ATTN: Regulatory Branch
Public Notice No.: NAN-2009-01089-EYA
(jun.yan@usace.army.mil)

Mr. Brian Mills
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue SW
Washington, D.C. 20585
(Brian.Mills@hq.doe.gov)

Re U.S. Army Corps of Engineers Application No. 2009-01089-EYA
United States Department of Energy, Office of Electricity Delivery and Energy Reliability -- Presidential Permit Application No. PP 362

Draft Champlain Hudson Power Express Transmission Line Project
Environmental Impact Statement (issued September 2013)

Dear Sir/Madam:

We write on behalf of Entergy Nuclear Indian Point 2, LLC, Entergy Nuclear Indian Point 3, LLC, and Entergy Nuclear Operations, Inc. (collectively, for the purpose of this filing, "Entergy-IP") to provide comments regarding the sufficiency of (i) the above-referenced permit application submitted by Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (collectively, "CHPE") to the U.S. Army Corp of Engineers ("USACE") for authorization to construct and operate portions of a 336-mile high-voltage, direct-current ("HVDC") transmission line and affiliated facilities in the waters of the United States (collectively, "Proposed Project"), and (ii) the associated Draft Environmental Impact Statement ("DEIS"), dated September 2013, prepared by the U.S. Department of Energy, Office of Electricity Delivery and Energy Reliability ("DOE"), as lead agency under the National Environmental Protection Act ("NEPA"), 42 U.S.C. §§ 4321, *et seq*. The DOE is considering whether to issue a Presidential Permit authorizing the Proposed Project to interconnect with yet unidentified electric generation sources located across the international border in Quebec, Canada.

As discussed below, CHPE's permit application pending before USACE should be denied for failure to comply with the Rivers and Harbors Appropriation Act of 1899 ("RHAA"), and based on the Proposed Project's inability to satisfy the stringent requirements of Clean Water Act ("CWA") § 404(b), 33 U.S.C. § 1344. Moreover, the DOE should withhold the Presidential Permit because the DEIS fails to take the requisite "hard look" at all environmental impacts associated with, and reasonable alternatives to, the Proposed Project, largely due to the DEIS's reliance on outdated and/or inapposite studies and findings generated during the related CHPE siting proceeding conducted under Article VII of the N.Y. Public Service Law ("PSL").[1] For all of these reasons, no permits or authorizations should be granted for the Proposed Project until the administrative record is supplemented in the manner discussed below, and in the accompanying Expert Report titled, *Technical Review of Environmental Impact Assessments of the Hudson River Segment of the Champlain Hudson Power Express* (Normandeau Associates, 2013), which Entergy-IP hereby submits for the record.[2]

820-01

Background

A. Entergy-IP's Interest in the Proceedings

Affiliates of Entergy-IP own and operate three of the six operating nuclear-electric generating units located in New York: Indian Point Units 2 and 3 (together, "Indian Point"), located on the Hudson River in Westchester County, and the James A. FitzPatrick Station ("FitzPatrick;" collectively, the "Stations"), located on Lake Ontario. The three units have a cumulative capacity of approximately three thousand (3,000) megawatts ("MW"), and collectively produce approximately 16% of New York's electricity. On a day-in, day-out basis, Indian Point alone provides a substantial percentage of metropolitan New York City's electricity, and therefore anchors the base load supply that advances the electric-system reliability and affordability goals that underpin the New York economy. The operation of Indian Point furthers federal and State goals of reducing emissions of criteria pollutants in New York State, especially in the non-attainment area of downstate New York, as well as advancing New York's Climate Change goals.

Entergy Corporation ("Entergy") and its affiliates, including Entergy-IP, are committed to environmental stewardship, as evidenced by the recognition it has received for its environmental performance and work to promote sustainability. On the strength of its industry-leading environmental performance, Entergy was named to the 2013/2014 Dow Jones Sustainability World and North America Indices. Entergy is the only U.S. company in the electric utility sector named to the World Index for 2013/2014. This is the 12th consecutive year the Dow Jones Sustainability Index, which measures the sustainable value companies provide to stakeholders, has included Entergy. Entergy also was named to the CDP S&P 500 Climate Performance Leadership Index. CDP, formerly known as the Carbon Disclosure Project, is an international, not-for-profit organization providing the only global system for companies and

[1] See NYPSC Case No. 10-T-0139, *Application of Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the PSL for the Construction, Operation and Maintenance of a High Voltage Direct Current Circuit from the Canadian Border to New York City*, "Order Granting Certificate of Environmental Compatibility and Public Need" (issued April 18, 2013).

[2] A true and correct copy of the Normandeau technical report is annexed hereto as Exhibit 1.

820-01: Comment noted. The analysis of impacts on the environment from implementing the proposed CHPE Project provided in the EIS is based upon best available information which includes, but is not limited to, the documentation submitted as part of the CHPE Article VII siting proceeding. Other recent, relevant sources of information used in the analyses included the Tappan Zee Hudson River Crossing Project EIS, the USACE Environmental Assessment for Maintenance Dredging of the Hudson River Channel, NMFS's Biological Opinion on the effects of the continued operation of the Indian Point Nuclear Generating Units 2 and 3, the U.S. Department of Interior Bureau of Ocean Energy Management, Regulation, and Enforcement study on the Effects of EMFs from Undersea Power Cables On Elasmobranchs and Other Marine Species (Normandeau et al. 2011), and numerous other technical studies.

cities to measure, disclose, manage and share vital environmental information. Entergy is the only utility added to the performance index during the year just ended. Entergy was also named to the CDP S&P 500 Climate Disclosure Leadership Index. The disclosure index highlights companies with a strong approach to providing information on climate change. Only the top 10 percent of companies assessed are included on the index, with 53 companies making the list for 2013. These diverse awards underscore the Entergy companies' commitment to sustainability and the environment.

As related to the above referenced proceedings, Entergy-IP is particularly concerned about ensuring that any excavation and/or construction activities associated with the Proposed Project, to the extent conducted in the Hudson River adjacent to Indian Point, are undertaken with the utmost care and concern for public safety and the environment. Entergy-IP's operations are potentially affected during the CHPE project's construction phase, when dredging and cable-laying activities, with associated cable and support vessels, will occur just beyond the federally designated Safety and Security Zone at Indian Point. During the CHPE Project's operational phase, moreover, water temperature changes caused by the emanation of heat from the HVDC cables could alter the riverine environment in front of Indian Point in such a way as to directly impact critical operations at Indian Point. In other words, Entergy-IP's operations, which occur directly adjacent to an underwater portion of the Proposed Project, may be directly and adversely affected by the activities that would be authorized by CWA § 404(b) and other approvals CHPE seeks in these proceedings.

820-02

820-03

B. Description of Proposed Project

The Proposed Project includes: (i) an approximately 336-mile, HVDC transmission line that would run from the New York State border with Quebec to a new converter station in Astoria, Queens, largely via an underwater route; and (ii) an approximately five mile, underground alternating-current ("AC") line running from the Astoria converter station site to the existing Rainey Substation. *See* USACE, Public Notice, dated Oct. 2, 2013 ("October Notice"), Attachments 1, 3-4. In addition to being buried in or laid on the beds of Lake Champlain and the upper Hudson River, the HVDC Line would pass through multiple towns and cities along the 336-mile route, and be buried within two State-owned parks in Rockland County, prior to reentering and passing under the Hudson River, then the Harlem and East Rivers, and making landfall in Astoria, Queens. Upon making landfall, the HVDC Line would terminate at a converter station where the Direct-Current ("DC") power transmitted over the line from Canada would be converted into AC power for distribution to New York City customers. *See* DEIS, § 2.4.1.

The HVDC Line would be installed along the following route: From the Quebec border, the HVDC Line would enter into, and run under (or be laid on the bed of), Lake Champlain for approximately 101 miles, and would occupy the Federally-maintained navigation channel for part of that length. *See* October Notice, Attachment ("Att.") 2; Att. 3, Sheets 2-26. The HVDC Line would exit at the southern terminus of Lake Champlain in the Town of Dresden, Washington County, via Horizontal Directional Drilling ("HDD") – the practice of boring a hole with drilling equipment directionally into the ground to acceptable levels, and then gradually orienting the drill bit to run parallel to the surface of the earth. October Notice, p. 6. From there, the HVDC Line would be buried underground, first for approximately 11 miles within the Route

820-02: As noted in the EIS, work in the proximity of any single location along the segment would likely last no more than a few days to up to 2 weeks. Measures would be implemented to ensure that construction vessels avoid impacts on vessel traffic along the construction corridor. Further, construction activities would not preclude access to or from the federally designated Safety and Security Zone at Indian Point, and no dredging activities associated with the proposed CHPE Project are proposed in this location.

820-03: As indicated in the EIS, the Applicant calculated thermal impacts on water quality from operation of the transmission line based upon a burial depth of 4 feet (1.2 meters). The source methodology for this analysis was provided by Worzyk, T. 2009. *Submarine Power Cables: Design, Installation, Environmental Aspects*, Springer-Verlag, Berlin, as cited in Exhibit 24 of the 2012 CHPE Joint Proposal. At a burial depth of 4 feet (1.2 meters), the predicted increase in temperature at the sediment surface directly above the cables, with no cable separation, was estimated to be 1.8 °F (1.0 °C), and the temperature change in the water column would be less than 0.01 °F (0.004 °C). Based upon this analysis, impacts are expected to be negligible because this very small temperature change would be quickly dissipated in the water column. Further, the transmission line would be installed at revised depths prescribed in the October 2013 USACE New York District Public Notice (NAN-2009-01089-EYA) for the proposed CHPE Project, which are greater than the depths assumed in the EIS. Therefore, the heat that would be emitted into the water column would be less than that analyzed in the EIS. The burial depth information has been clarified in Sections S.6.2 and 2.4.10.1 of the Final EIS.

22 right-of-way through several towns in Washington County, and then for 65 miles along a railroad right-of-way owned by Canadian Pacific Railway, and running through the Town of Whitehall and several towns in Saratoga and Schenectady Counties until it would reach the City of Schenectady. October Notice, Att. 4, Sheets 1-194.

From the City of Schenectady, the HVDC Line would pass underground southwest through various private properties and rights-of-way until it would reach the City of Rotterdam, from which it would run through a railroad right-of-way owned by CSX that travels through the Towns of Bethlehem and Coeymans in Albany County, and then through the Village of Athens and the Town of Catskill in Greene County. October Notice, Att. 4, Sheets 195 *et al*. At that point, the HVDC Line would enter the Hudson River via a tunnel excavated by means of HDD. The HVDC Line would then travel 67 miles under (or be laid on the bed of) the Hudson River, until it would reach a point north of Haverstraw Bay. *Id.*, Att. 3, Sheets 29-46. The HVDC Line would bypass Haverstraw Bay for approximately 7.66 miles, via a combination of trenching and no less than three additional excavations by HDD that would enable the line to run under the Stony Point State Historic Park and the Rockland State Park. *Id.*, Att.3, Sheets 46-47.

The HVDC Line would then re-enter the Hudson River via further HDD and run approximately 21 miles to the Spuyten Duyvil Creek, and then into the Harlem River for 6.6 miles, where it would again occupy the Federally-maintained navigation channel. October Notice, Att. 2; Att. 3, Sheets 47-54. After leaving the Harlem River, the line would run along a 1.1 mile right-of-way until it enters and crosses under the East River, and then onto land in Astoria, Queens. *Id.*, Att. 3, Sheet 53. The submarine portions of the HVDC Line would collectively span almost 200 miles in length, making it the longest submarine transmission line in the United States.[3]

In July 2010, the Federal Energy Regulatory Commission ("FERC") granted CHPE's request for market-based rate authority, and authorized CHPE to pre-subscribe as much as 75% of the HVDC Line's transmission capacity to one or more "anchor tenants."[4] HQ Energy Services (US) Inc. ("HQUS"), the power-marketing subsidiary of Hydro-Quebec (a Canadian, state-owned utility), has identified itself as the most likely purchaser of those pre-subscription rights, and is actively seeking changes to New York's Renewable Energy Portfolio Standard ("RPS") eligibility criteria to obtain State subsidy of that purchase.[5] Because the HVDC Line

[3] The Proposed Project also includes the "Astoria-Rainey Cable" – an approximately five mile long, underground AC transmission line, which would connect the Astoria Substation to the Consolidated Edison Company of New York, Inc.'s existing Rainey Substation.

[4] *See* FERC Docket No. ER10-1175, "Order Authorizing Proposal and Granting Waivers" (issued July 1, 2010). Additionally, as noted below, Transmission Developers Inc. ("TDI") – an affiliate of CHPE – and Hydro-Quebec each submitted responses in another State proceeding noting Hydro-Quebec's proposal to become the anchor tenant for the CHPE project.

[5] NYSPC Case 13-M-0412, *et al.*, *Petition of New York State Energy Research Development Authority to Provide Initial Capitalization for the New York Green Bank*, "Comments of HQ Energy Services (US) Inc." (filed October 28, 2013) at p. 3 ("In addition to the direct economic and environmental benefits intrinsic to hydropower, incentives for hydropower could enhance the prospects for successful completion of the proposed Champlain Hudson Power Express ('CHPE') transmission facilities as well as future AC transmission investments currently being pursued to relieve upstate congestion by promoting increased hydropower deliveries over these facilities.").

has no intermediate access points in New York – *i.e.*, "on ramps" – it is designed and intended to inject Canadian power directly into the New York City load pocket.[6]

C. Construction Methodology

The aspects of the Proposed Project requiring underwater cable installation activities would be undertaken 24-hours per day/7-days per week in most areas, with nighttime shutdowns occurring only in select sensitive receptor areas. The continual construction schedule would thus result in the operation of heavy machinery and equipment (*e.g.*, generators, water pumps, and vessel engines) during all hours of the day and night. *See* Supplement to Dec. 10, 2010 Application & Responses to Additional Information Request for the CHPE Project ("Supplemental Application"), Appendix ("App.") A-3, pp. 9-10, 15.[7] The primary method for laying and burial of the underwater HVDC cable would be by jet plowing – a process that can simultaneously trench, lay and embed the cable with one device. This process is used in areas where the sediments are sufficiently soft, without significant rocky material. *Id.*, pp. 16-18. For sections where jet plowing is not possible, "plowing" and "dredging" of the lake and/or river bed would be necessary. *Id.*, p. 19. The decision regarding the type of equipment necessary to lay and bury the cables underwater would depend on precise field conditions that are unknown at this time. *Id.*, p. 15. 820-04

The application shows that installation of the submarine portions of the HVDC Line would cumulatively affect as much as 347 acres of USACE jurisdictional waters of the United States. October Notice, p. 6. Additionally, in areas of hard substrate on lake and river bed, and in instances where the HVDC Line would cross over existing underwater utility infrastructure, the record shows that work crews would lay the cable on the bed underlying the applicable water body and cover it with concrete mats. Supplemental Application, p. 21. CHPE only recently acknowledged the precise locations of these concrete mats and the fact that such matting would cover approximately 4.45 miles of the HVDC Line.[8] Moreover, while the October Notice specifies that the Proposed Project would permanently affect 10.5 acres of forested and non-forested wetlands and temporarily affect 67.4 acres of such wetlands, October Notice, pp. 7-8, the application shows that the impact would be much greater. Indeed, as explained in the 820-05

[6] After the conclusion of the Proposed Project's State level Article VII proceeding, the New York Public Service Commission ("NYPSC") initiated a new proceeding, the purpose of which is to examine AC upgrades to New York's Bulk Transmission System that would relieve existing transmission constraints affecting electric transfers between New York's "Central East" and "UPNY-SENY" electrical interfaces. The relief of such constraints is intended to increase the flow of electricity from upstate and western New York into the New York City load pocket. NYPSC Case 12-T-0502, *Proceeding on Motion of the Commission to Examine Alternating Current Transmission Upgrades*, "Order Instituting Proceeding" (issued November 30, 2013). Numerous overland AC alternatives have since been filed and are under active consideration in that proceeding. *See generally*, NYPSC Case 13-E-0488, *In the Matter of AC Transmission Upgrades – Comparative Proceeding*. In essence, those newly proposed AC projects serve exactly the same function, from a transmission system perspective, as the Proposed Project.

[7] Although the Supplement is not dated, it appears that it was provided to USACE via a letter from HDR Engineering, Inc., dated February 29, 2011. Based on the information in the Supplement, however, the date specified on the letter must be incorrect; it should be dated 2012, not 2011. Of note, USACE has not posted any of CHPE's application documents on its website, or provided an appropriate website link to the application documents. In its October Notice, USACE provided a link to DOE's website but that website does *not* provide any information related to the application with USACE. 820-06

[8] *See* Supplemental Application, App. A-3, Table 5-1.4.

820-04: Subsequent to their initial filings with the USACE and the October 2013 Public Notice, the Applicant has continued to provide more detailed information concerning transmission line burial depths, the equipment and methodologies that would be used as part of the cable installation process, and the locations and extent of concrete mats that could be used to cover the transmission line where full burial is not possible. The environmental analyses contained in the EIS are based on reasonable understanding of the likely construction methods to be employed in the installation of the transmission line.

820-05: Based on refined analysis of concrete mat requirements provided by the Applicant (see response to Comment 820-04), up to approximately 3.0 miles (4.8 km) of the transmission line, representing approximately 1.5 percent of the aquatic portion of the entire route, may require the use of concrete mats to cover the portions of transmission line that could not be buried.

820-06: The USACE Public Notice Web site for the proposed CHPE Project (http://www.nan.usace.army.mil/Missions/Regulatory/RegulatoryPublicNotices/tabid/4166/Article/18814/nan-2009-01089-eya.aspx) provides information on the CHPE Section 404 Permit Application.

annexed Expert Report, the application appears to show that approximately 25.4 acres would be permanently impacted and 168 acres temporarily impacted in the Hudson, Harlem and East Rivers. *See* Expert Report, Table 1. The record needs to be clarified for a better understanding of the extent to which wetlands would be impacted by the Proposed Project. However, given the discrepancy in impacts to wetlands, the compensatory mitigation identified in the October Notice appears to be far too minimal and needs to be supplemented.

820-07

I. The Proposed Route for the HVDC Line Does not Comply with the Rivers and Harbors Appropriation Act of 1899

Section 10 of the RHAA prohibits "the creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States." 33 U.S.C. § 403. Section 10 also provides that it shall be unlawful to (i) "build or commence the building of . . . structures . . . in any . . . navigable river, or other water of the United States," or (ii) "excavate or fill . . . the channel of any navigable water of the United states, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning same." *Id.* Three aspects of the submarine routing of the HVDC Line included in CHPE's application are prohibited under in this provision: (a) 9-miles of cable that would run coincident with federal navigation channels in Lake Champlain and the Harlem River; (b) a 4.45-mile portion of the cable that would be anchored to the Hudson River sediment by concrete matting; and (c) all aspects of the transmission cable to be routed under Lake Champlain to the extent (i) the HVDC Line is to be surfaced laid with no covering at depths of greater than 150'; and (ii) the burial depth is less than four feet elsewhere in Lake Champlain.[9]

820-08

A. Aspects of the Proposed Project Route That Coincide with Federal Navigation Channels Are Prohibited Under RHAA § 10

Attachment 3 of the October 2013 Notice provides a detailed map-set of the underwater aspects of the CHPE's proposed cable route. The map-set shows that the proposed cable would be located directly within Federal navigation channels or their side slopes in the following areas: (i) mile markers 98 through 101 – in Lake Champlain near the Town of Dresden; and (ii) mile markers 324-30 – which correspond to the entire Harlem River. Attachment 2 of the October 2013 Notice provides a proposed cable route description table, which also indicates that the aspects of the cable route identified in (i) and (ii) above would be located within Federal navigation channel or side slopes.

Stacey M. Jensen, USACE Section Chief of the Eastern Permits Section, provided a letter to CHPE, dated July 5, 2011 ("July 2011 Letter"), in which she explained that construction of permanent structures, such as a transmission cable, linearly within a federal navigation channel is prohibited under RIIAA § 10:

> The Corps of Engineers does not permit permanent structures with the length of the right of way, including side slopes, of a Federal navigation

[9] An affiliate of Entergy's raised the legality of these aspects of the Proposed Project in the proceedings held before the NYPSC. The NYPSC specifically deferred to USACE. *See* NYPSC Case 10-T-0139, *supra*, "Order Granting Certificate of Environmental Compatibility and Public Need," at p. 72 ("It is simply premature to guess the outcome of USACE's review.").

820-07: Comment noted. As indicated in the 2013 USACE Public Notice for the proposed CHPE Project and Section 5.2.8 of the EIS, the proposed CHPE Project would directly impact a total of 77.7 acres (31 hectares) of wetlands, including temporary impacts on 67.4 acres (27.2 hectares) and permanent impacts on 10.3 acres (4.2 hectares). In reference to Table 1 in the comment, areas designated as SCFWH might contain a range of habitats, including wetlands, that support fish and wildlife; however, SCFWH areas are not synonymous with wetlands. Although the proposed CHPE Project would transect SCFWH areas (as noted in Section 3.1.4.1 of the EIS), the Project would not cross or impact any wetlands contained therein. Crossings of wetlands located within SCFWHs have been clarified in Section 3.3.8 of the Final EIS.

820-08: Installation of the transmission line within federally managed navigation channels was and continues to be coordinated with the USACE and is addressed in the USACE Public Notice. A total of 3.0 miles of the transmission line (representing approximately 1.5 percent of the entire aquatic portion of the installation route) would be covered by concrete mats. The extent to which concrete mats would be used has been clarified in Section 2.4.2 of the Final EIS. The Applicant continues to coordinate with the USACE on burial of the transmission line.

> channel (perpendicular crossings are permitted). . . . For this project to be deemed acceptable from a navigation perspective, the cable alignment must remain outside the Federal right of way. Minimal utility crossings perpendicular to the Federal navigation channel will be evaluated on a case by case basis in consultation with the regional harbor operations committees for navigation impacts when such crossings are unavoidable.

See Exhibit B, p. 1.[10] After identifying the portions of the proposed route located within federal navigation channels, including along mile markers 98-101 and mile markers 324-30, the letter requested that CHPE "[p]lease correct" the deficiency. Id., p. 5.[11]

In its Supplemental Application (at p. 3), CHPE acknowledged "propos[ing] to align the cables within close proximity to the Federal navigation channels located in the narrows of Lake Champlain . . . and the Harlem river." Rather than amending the proposed cable route to fully avoid the noted federal navigation channels, however, CHPE "request[ed] a meeting with USACE engineering staff to review this proposed configuration." *Id.* The record provides no evidence of whether such a meeting was scheduled and, if so, the matters discussed at the meeting, or its outcome. It would be inappropriate for the USACE to base its determination on private agreements reached at a non-public meeting, particularly since the basis and justification for any such agreements appear nowhere in the written record of this proceeding and thus cannot be subjected to public scrutiny. Nevertheless, whether or not such a meeting occurred, the final application documents conclusively show that the proposed route would coincide with the length of two federal navigation channels in clear violation of RHAA § 10.

B. Use of Concrete Matting to Anchor Transmission Cables to the Bed of the Hudson River is Prohibited

In its original application, dated December 6, 2010, CHPE explained that protective covering, such as concrete matting, would be mounted on top of the transmission cables in certain areas where the cable is surface laid because submarine burial is not feasible:

> In limited areas along the Project route, surficial geology may not permit adequate cable burial depths to ensure adequate cable protection. In these areas, the cables will be laid on the lake/riverbed with protective coverings, such as rip-rap, articulated concrete mats, grout/stone filled mattresses, or within a protective duct. Areas where these methods may occur are at existing pipeline or cable crossings, small unavoidable bedrock areas, and potentially in areas of highly contaminated sediments.

[10] This requirement is consistent with Nationwide Permit No. 52 (Water-Based Renewable Energy Generation Pilot Projects), which provides that "[s]tructures may not be placed in established danger zones or restricted areas as designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR part 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas."

[11] The July 2011 Letter also insists that CHPE take measures to avoid Haverstraw Bay – which also corresponds with a federal navigation channel. CHPE has since modified the route to avoid Haverstraw Bay, although it still affects other Significant Coastal Fish and Wildlife Habitats ("SCFWHs").

See Application, dated December 6, 2010, § 4.2.4. In response to this aspect of CHPE's application, USACE notified CHPE in the July 2011 Letter (at p. 2) that the use of concrete matting for this purpose is prohibited: "Laying cables in lake/river bed in limited areas with protective coverings would not be acceptable. All cables must be buried."[12]

Nevertheless, as noted above, it appears that CHPE's final application includes requests to (1) surface lay the cable in Lake Champlain at depths of greater than 150' with no protective covering (other than the cable sheath); and (2) place approximately 4.45 miles of concrete matting over the HVDC Line in the Hudson River. Although CHPE's Supplemental Application (at p. 4) directly quotes USACE's notification that "protective coverings would not be acceptable," it provides a response that fails to address the matting question, noting only that certain parties in the completed proceeding before the NYPSC have "agreed that non-burial within Lake Champlain would be acceptable provided a report prepared by a recognized authoritative technical consultant demonstrated and concluded that public health and safety can be appropriately protected without such burial, and that the proposed installation method was approved by the Commission."

CHPE also included with its Supplemental Application an appendix – Appendix K – that purports to identify instances where surface laying transmission cable within Lake Champlain may be appropriate; however, nothing in the appendix addresses the appropriateness of using concrete matting to anchor transmission lines on the bed the Hudson River. Rather than providing any further written information in response to USACE's notification, CHPE again "requested a meeting with USACE staff to discuss this issue." Supplemental Application, p. 4. As previously stated, it would be inappropriate for the USACE to base its determination on private agreements reached at a meeting with CHPE that was not the subject of a public notice.

C. The Portions of Transmission Cable to Be Buried under Lake Champlain to a Depth of Less than Four Feet are Prohibited

Finally, with respect to the aspect of the HVDC Line to be situated within Lake Champlain, CHPE requested in its Supplemental Application (at p. 4) that USACE waive the requirement that the cable be covered at depths of greater than 150', and waive the requirement that, in all other cases in Lake Champlain, the cable be buried to a depth of no less than four feet. *See also id.,* App. A-3., p. 15 (the underwater transmission cables will be manufactured with armoring and buried primarily . . . from zero to four feet within Lake Champlain north of Crown Point, and three to four feet deep within Lake Champlain south of Crown Point").[13] USACE rejected this request in the October Notice (at p. 4), which specifies that "[t]he proposed burial

[12] The prohibition against the use of protective covering is consistent with Condition (b)(2)(iii) of the New York District's Nationwide General Permit No. 12 (Utility Line Activities), which requires instead that all transmission cable must be buried and to a certain depth: "In cases where the channel's existing bottom is already deeper than the authorized project depth, the utility line shall be located a minimum of 4 feet below the existing bottom in sediment .

[13] CHPE had also requested a meeting with USACE staff to discuss this issue. The results of that meeting, if any, have not been made public.

would be 4 feet below the bottom of Lake Champlain . . ."[14] Should USACE decide to waive this requirement, Entergy-IP requests that the record be reopened so that such a waiver may be properly evaluated and subjected to public comment.

II. The Application Fails to Meet the Minimum Requirements Specified under Section 404(b) of the Clean Water Act

A. Applicable Legal Standard

Section 404 of the CWA requires a permit for the discharge of "dredged or fill materials" into "waters of the United States." 33 U.S.C. § 1344(a). To issue a Section 404 permit, the USACE must ensure that the Proposed Project complies with the Guidelines established by the U.S. Environmental Protection Agency ("EPA") under 40 C.F.R. Part 230. The critical provision of the Guidelines is the requirement that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem." 40 C.F.R. § 230.10(a). USACE must deny a permit application under Section 404 if the application does not contain "sufficient information" for the agency "to make a reasonable judgment as to whether" the proposed project constitutes the least environmentally damaging practicable alternative ("LEDPA"). *Id.*, § 230.12(a)(3)(iv).

The purpose of LEDPA is to *avoid* environmental impacts; *i.e.*, mitigation is required only after a showing that environmental impacts could not be avoided. *See* 75 Fed. Reg. 85,336, 85,340 (Dec. 24, 1980) ("if destruction of an area of water of the United States may be avoided, it should be avoided"). Under the terms of § 230.10(a), the ultimate project alternative approved by USACE must be *both* (i) the least environmentally damaging and (ii) practicable. The burden of demonstrating that no such alternative exists "is the sole responsibility of the applicant." *See* USACE, "HQUSACE Review & Findings: Old Cutler Bay Permit 404(q) Elevation" ("*Old Cutler*"), dated Sept. 13, 1990, p. 5.

In addition to the LEDPA test, Section 230.10(a)(3) establishes a rebuttable presumption with respect to a *non-water dependent activity* undertaken within a *special aquatic site*:

> [w]here the activity associated with a discharge which is proposed for a *special aquatic site* . . . does not require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose (*i.e., is not 'water dependent'*), practicable alternatives that do not involve special aquatic sites are presumed to be available . . ."

Id. (emphasis added). Under §§ 230.3(q)(1), and 230.40-.43, the term "special aquatic site" is defined to include all wetlands, mudflats, vegetated shallows, and all sanctuaries and refuges designated under State and federal laws or local ordinances to be managed principally for the preservation and use of fish and wildlife resources. In this respect, the October Notice estimates – albeit inaccurately (see Part C below) – that 10.5 acres of wetlands would be permanently impacted and 67.4 acres of wetlands would be temporarily impacted because of the Proposed

[14] USACE informed CHPE in its July 2011 Letter (at p. 4) that "[o]utside of channel areas, the burial depth requirement is four feet." This requirement is also consistent with Condition (b)(2)(iii) of New York District's Nationwide General Permit No. 12 (Utility Line Activities).

Project. To obtain approval for the Proposed Project, CHPE must show by "clear and convincing evidence" that there are no practicable alternatives that would not cause a discharge of dredge and fill material into those wetlands. *See* USACE, In re: Plantation Landing Resort, Inc. ("*Plantation Landing*"), p. 12;[15] *see also* 40 C.F.R. § 230.10(a)(3) (practicable alternatives to non-water dependent activities are presumed to be available "unless clearly demonstrated otherwise"); 45 Fed. Reg. 85,336, 85,339 (Dec. 24, 1980) ("where an applicant proposes to discharge in a special aquatic site it is his responsibility to persuade the permitting authority that . . . these presumptions have clearly been rebutted").

Notably, the rebuttable presumption under the existing version of § 230.10(a)(3) replaced a "special, irrebutable presumption" that existed in the original 1975 regulation. *See* 45 Fed. Reg. at 85,339/col. 2. EPA made this change based upon its "experience" that (i) it was "not always the case" that "alternatives to wetlands were always less damaging to the aquatic ecosystem," and (ii) "there could be substantial impacts on other elements of the environment and only minor impacts on wetlands." *Id.* In other words, EPA replaced the "irrebuttable presumption" with a "rebuttable presumption" in recognition of the fact that a proposed non-water dependent project to be located within a special aquatic site may not always be the most environmentally damaging alternative. Accordingly, this aspect of the regulation was changed to acknowledge that, with respect to a non-water dependent project to be located within a special aquatic site, one water-based alternative may be preferable to other water-based alternatives. The change was not intended to make a water-based alternative preferable to land-based alternatives.

Here, USACE appropriately determined in its July 7, 2010 letter to CHPE (at p. 2) that "[t]he proposed power line project is not a water dependent use." It appears that USACE based this determination on the commonsense finding that transmission power lines, by their very nature, are not water dependent. This fact is further evidenced by the submissions in the NYPSC's ongoing AC Transmission proceeding (NYPSC Case 12-T-0502; Case 13-E-0488, *supra*), in which all but one of the proposals to relieve congestion on New York's bulk transmission system would occupy existing, overland rights of way.[16] Accordingly, the rebuttable presumption under Section 230.10(a)(3) is applicable to *all* aspects of the Proposed Project that affect a "special aquatic site," and cannot be overcome in this instance.

CHPE has also failed to consider that the aspects of the Hudson River through which the Proposed Project would be routed also constitute a "special aquatic site." Specifically, the State of New York enacted the Hudson River Estuary Management Act ("Act"), which establishes a "Hudson River estuarine district" that includes "the tidal waters of its tributaries and wetlands from the federal lock and dam at Troy to the Verrazano-Narrows." *See* N.Y. Envtl. Conserv.

[15] As noted in the *Plantation Landing* decision, the presumption under Section 230.10(a)(3) is intended to "increase the burden on an applicant for a non-water dependent activity to demonstrate that no practicable alternative exists to his proposed discharge in a special aquatic site." *Id.*, p. 3; *see also Old Cutler*, p. 5 ("presumption should have the effect of forcing a hard look at the feasibility of using environmentally preferable sites to discourage avoidable discharges in special aquatic sites") (internal quotes omitted); "USACE, HQUSACE Findings: Hartz Mountain Development Corp.," August 17, 1989, at 3 ("if a 404 discharge may reasonably be avoided, it should be avoided") (internal quotes omitted);

[16] A diagram of the competing proposals in the NYPSC AC Transmission proceeding, drawn from the record of that proceeding, is annexed hereto as Exhibit 2.

Law ("ECL") § 11-0306(1). The purpose of the Act is to "protect, preserve and, where possible, restore and enhance the Hudson River estuarine district," *id.* § 11-0306(2). Since enactment of the Act, five sites have been designated as part of the Hudson River National Estuarine Research Reserve. Additionally, included within the Hudson River are numerous areas that have been formally designated as SCFWHs, several of which would be adversely affected by the HVDC Line. CHPE's failure to appropriately consider the Hudson River as a "special aquatic site" in its permit application is grounds to deny the application. Moreover, as shown below, CHPE has failed to show why practicable measures are not available to *avoid* both the wetlands that would be impacted by the Proposed Project, as well as the Hudson River.

B. CHPE's Application Fails to Show That The Proposed Project is the Least Environmentally Harmful Practicable Alternative

1. The Proposed Project Constitutes the Most Environmentally Harmful Alternative

CHPE has selected the *most* environmentally harmful alternative from among the range of alternatives. Deeming alternatives that avoid the Hudson River Estuary as "not practical" eliminates them from further consideration in the alternatives analysis. Thus, according to CHPE, the only remaining practicable alternative was the submarine route through the Hudson River Estuary. The environmental impacts of reasonable alternatives are therefore not considered as part of CHPE's alternatives analysis in making this selection, and a full environmental cost benefit analysis was not performed as it would be for a water dependent use project to monetize the value of the aquatic resources affected as both direct use and non-use benefits (and costs). By default, the submarine alternative appears to be the "least environmentally damaging" merely because it is the *only remaining* alternative. However, the 404(b)(1) guidelines stipulate that the project proponent must demonstrate there is no "practicable alternative . . . which would have less adverse impact on the aquatic ecosystem" and "*does not have other significant adverse environmental consequences*." 40 C.F.R. § 230.10(a) (emphasis added).

There is simply no way for CHPE to meet this standard. CHPE's application advances the claim that no other reasonable, non-water dependent alternatives to the Proposed Project exist, when in fact numerous examples of such alternatives are currently under active consideration by the NYPSC in the AC Transmission proceeding (NYPSC Case 12-T-0502, Case 13-E-0488, *supra*). At the least, CHPE's Section 404(b) application, and the DEIS, must be supplemented to include a meaningful consideration of these alternative means of meeting the overall DOE goal of relieving congestion in the New York State bulk transmission system. 820-09

2. CHPE Has Failed to Make the Requisite Showing that Each of the Alternatives it Rejected is Impracticable

An alternative is practicable where "it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes." 40 C.F.R. § 230.10(a)(2). Here, CHPE has essentially acknowledged that each of the overland alternatives it evaluated is feasible. *See* "Updated Least Environmentally Damaging Practicable Alternative Evaluation," dated July 3, 2013, attached as Att. I to Application (hereinafter,

820-09: As presented in Section 1.2 of the EIS, the purpose of and need for the DOE's action is whether or not to issue a Presidential permit to the Applicant for their proposed transmission line crossing of the U.S./Canada international border, not to identify methods of relieving congestion in the New York State bulk electric power transmission system. Continued operation or development of other new in-state power sources or transmission lines is not the subject of the Presidential permit application and is outside the scope of the EIS.

"LEDPA Evaluation"), § 3. Moreover, none of the identified logistical challenges associated with routing the HVDC Line overland are insurmountable as evidenced by the fact that *virtually all transmission lines in New York have historically been routed overland.* Indeed, the notion that no practicable overland alternative routes for the HVDC Line exist is belied by the history of New York's bulk transmission system as it has developed over the last 100-plus years. Virtually all bulk transmission lines operating at 230 kilovolts and above in New York are routed overland. *See* N.Y.S. Energy Planning Bd., "Transmission & Distribution Reliability Study & Report" dated Aug. 2012, at p. 11, Figure 2.[17]

This point is reinforced by the pending submissions in the NYPSC's AC Transmission proceeding, in which a group of electric distribution utility companies calling itself the "New York Transmission Owners" ("NYTOs") has filed for permission to construct two new transmission projects, both of which would be routed overland: (i) Second Ramapo to Rock Tavern 345 kV Line; and (ii) Second Oakdale to Fraser 345 kV Line. Several merchant transmission companies, including NextEra Energy Transmission, LLC, Boundless Energy NE, LLC, and North America Transmission, LLC, have each submitted overland transmission alternatives to what the NYTOs' submitted, including a proposal to construct a Marcy to New Scotland 345 kV Line. Thus, irrespective of CHPE's evaluation, it is just not credible to conclude that overland routes are impracticable.[18]

Nor is it credible, as CHPE suggests, to find that overland alternatives are too costly – another of the elements of impracticability. LEDPA Evaluation, pp. 3-3 to 3-5. The standard to be applied when examining the cost of an alternative under Section 230.10(a) is whether the alternative is "unreasonably expensive" (45 Fed. Reg. at 85,343), which, in turn, is based on "whether the projected cost is substantially greater than the costs normally associated with the particular type of project." *See* EPA, "Memorandum: Appropriate Level of Analysis Required for Evaluating Compliance with the Section 404(b)(1) Guidelines Alternatives Requirements."[19] Again, given that *only* overland alternatives are being examined in the context of the NYPSC's AC Transmission Proceeding, the suggestion that overland alternatives are *unreasonably* expensive when compared to the Project is groundless.

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[17] The Report can be found at http://www.nysenergyplan.com/Reliability-Study-and-Report/reliabilitystudy.aspx. There are two submarine transmission lines that provide electricity to Long Island (the Neptune and Cross-Sound lines) and one that provides electricity to New York City (the Bayonne line). About two-thirds of the 65 mile long Neptune line – or 44 miles – extends under New York's waters. *See* Map of Project at http://neptunerts.com/ the-project/. About half of the 24-mile Cross-Sound line – or 12-miles – is located in New York's waters. *See* http://www.crosssoundcable.com/. The Bayonne line extends approximately 2.5 miles under New York waters. *See* http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId= {8BF803F7-E587-439E-AB32-83C01BB41401}. By contrast, there are currently 4,000 miles of bulk transmission lines operating at 230 kilovolts and above in New York. Report, p. 10. Thus, submarine transmission lines represent about 1.5% of the bulk transmission system in New York.

[18] CHPE also refers to the discontinued proceedings related to the New York Regional Interconnection ("NYRI") project, apparently to imply that construction of overland bulk transmission cables is logistically problematic. *See* LEDPA Evaluation, pp. 1-3 to 1-5. The NYRI project, however, is irrelevant to a determination of logistics here, given that the route that would have been traversed by the NYRI project is entirely different from any of the overland alternative routes considered by CHPE. Furthermore, consideration of the difficulty in obtaining political support for overland transmission projects would set a bad precedent in that it would create an incentive for future transmission projects to be routed through New York's waterways.

[19] The Memorandum can be found at http://water.epa.gov/lawsregs/guidance/wetlands/flexible.cfm.

In any event, to address the cost issue, CHPE also makes an inapposite comparison of the HVDC Line to four other submarine transmission lines constructed in the United States. For example, CHPE points to the Juan de Fuca Project, which connects power sources on View Royal, British Columbia, to Port Angeles in the State of Washington. LEDPA Evaluation, p. 3-4. However, that line had to be routed under the Strait of Juan de Fuca for the simple reason that View Royal is located on an island.[20] Additionally, the submarine route selected in the context of the Juan de Fuca Project constituted the shortest distance between View Royal and Port Angles, and the line was routed across the Strait, rather than along the length of a lake and river, which would be the case here. Each of the other projects identified by CHPE similarly was routed across, rather than along the length of, the applicable water body, and vastly shortened the distance between power source and end point. *Id.* Here, by contrast, CHPE went out of its way to ensure that the HVDC Line would be routed through the length of waterways.

Moreover, CHPE makes an inapt comparison between the costs per MW of the Proposed HVDC Line versus the cost per MW of the submarine transmission lines installed in the context of the four referenced projects. The appropriate comparison should be cost per mile, not cost per MW, for the simple reason that there is nothing that requires the HVDC Line to be connected to a power source in Canada. The fact is that CHPE has proposed to construct a transmission line that is close to two times the length of the Northern Pass line (the longest one on the list). Again, as the submissions in the NYPSC AC Transmission proceeding show, the HVDC Line is not the only solution to congestion relief. The incredibly long span of the HVDC Line serves to prove only that the project itself is impracticable. A more appropriate cost per mile comparison shows that the CHPE project is by far the *least* expensive of the projects evaluated.

	CHPE Project	Neptune	Port Angeles-Juan de Fuca	Trans Bay	Northern Pass
Overall Cost	~$ 2.0 billion	$600 million	$750 million	$505 million	$1.1 billion
Distance	336 miles	65 miles	31 miles	57 miles	180 miles
Cost per Mile	$5.95 million	$9.2 million	$24.2 million	$8.9 million	$ 6.1 million

CHPE is proposing to build the longest submarine HVDC transmission line in the country's history. Unlike the projects CHPE evaluates for comparison purposes, there is simply no compelling reason why the Proposed Project needs to be routed through New York's waters to the extent proposed. As evidenced by the lengthy discussion in the LEDPA Evaluation regarding the NYRI proceeding, CHPE intended from the beginning to route the HVDC line through State waterways specifically because of perceived political – not environmental or feasibility – problems related to routing transmission lines overland. LEDPA Evaluation, pp. 1-3 to 1-5. That simply cannot form the basis of a project that the USACE acknowledges does not qualify as a water dependent use. The waterways of New York should not be used as a mechanism to make an impracticable project less expensive.

[20] A map of the project can be found at http://jdfcable.com/maps.shtml.

C The Proposed Compensatory Mitigation Recommended by USACE is Far Too Minimal as a Matter of Law

EPA's CWA § 404(b) Guidelines also require compensatory mitigation associated with the loss of any aquatic resources, including wetlands. *See* 40 C.F.R. Subpart J. Specifically, pursuant to 40 C.F.R. § 230.93(a)(1), the required compensatory mitigation "must be commensurate with *the amount* and type of impact that is associated with a particular [] permit." (Emphasis added). Again, as explained in the annexed Expert Report (Table 1), information from CHPE's application shows that approximately 25.4 acres would be permanently impacted in the Hudson, Harlem and East Rivers – much greater than the 10.5 *total* acres identified in the October Notice. Thus, because CHPE's proposed compensative mitigation is based on an incorrect amount of wetlands impacted, it must be rejected. At minimum, USACE must require additional compensatory mitigation, and another opportunity for public comment to ensure that the mitigation is appropriate.

III. The DEIS Fails To Take the Requisite "Hard Look" At the CHPE Project's Environmental Impacts

NEPA "is our basic national charter for protection of the environment." 40 C.F.R. § 1500.1(a). It is a procedural statute that requires federal agencies to assess the environmental consequences of their actions before those actions are undertaken. In *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360 (1989), the United State Supreme Court noted that "NEPA promotes its sweeping commitment to prevent or eliminate damage to the environment and biosphere by focusing Government and public attention on the environmental effects of proposed agency action" so that the "agency will not act on incomplete information, only to regret its decision after it is too late to correct." *Id.* at 371 (internal quotation marks and citations omitted).

"At the heart of NEPA is a requirement" that for every "major Federal action[] significantly affecting the quality of the human environment," the agency involved must prepare a "detailed statement" regarding, among other things, (i) "the environmental impact of the proposed action," (ii) "any adverse environmental effects which cannot be avoided should the proposal be implemented," and (iii) "alternatives to the proposed action." *Dep't of Transp. v. Pub Citizen*, 541 U.S. 752, 763 (2004) (quoting 42 U.S.C. § 4332(2)(C)). In *Winter v. Natural Resources Defense Council, Inc.*, 55 U.S. 7 (2008), the Supreme Court reiterated that "[p]art of the harm NEPA attempts to prevent in requiring an EIS is that, without one, there may be little if any information about prospective environmental harms and potential mitigating measures." *See also Monsanto v. Geertson Seed Farms*, 130 S. Ct. 2743 (2010) (Stevens, J., dissenting) (noting that an EIS is especially important where, as here, the environmental threat is novel). Ultimately, federal agencies must take a "hard look" at the potential environmental consequences of their actions. *Kleppe v. Sierra Club*, 427 U.S. 390, 410 n.21 (1976). Conclusory presentation of data and "general statements about possible effects and some risk" do not satisfy the "hard look" standard. *Ocean Advocates v. U.S. Army Corps of Engineers*, 361 F.3d 1108, 1118 (9th Cir. 2004).

As explained more fully in the accompanying Expert Report of Normandeau Associates, Inc., titled, *Technical Review of Environmental Impact Assessments of the Hudson River Segment of the Champlain Hudson Power Express*, the DEIS is inadequate when measured

against NEPA's exacting standards.[21] The CHPE project is of unprecedented scale in New York, and proposes to convert more than 80 miles of the Hudson River – a critical natural resource – into a transmission cable right of way approximately 30 feet wide. Whether viewed in the context of impacts to fish (including ESA-listed sturgeon), and/or their habitat from cable construction, which will be significant and long-lasting, or the impacts to recreational and commercial use of the Hudson River caused by a new, 88-mile long "no anchor" zone that will render 320 acres of river bottom unavailable for anchorage,[22] the CHPE project requires the utmost in environmental scrutiny, not a rehash of insufficient and outdated studies generated for a State-level siting proceeding, which is all the DEIS contains. *See Klamath-Siskiyou Wildlands Center v. Bureau of Land Management*, 387 F.3d 989, 998 (9th Cir. 2004) ("A non-NEPA document – let alone one prepared and adopted by a state government – cannot satisfy a federal agency's obligations under NEPA.").

A. The DEIS Fails to Take a Hard Look at the Proposed Project's Potential Environmental Impacts

The tidal Hudson River possesses regionally and globally rare communities in one of the largest freshwater tidal river systems in the northeastern United States. The Hudson River Estuary contains about 130 species of fish, and supports nearly 100 species of special emphasis, including federally and state-listed endangered or threatened species of fish, birds, and plants. It provides habitat for spawning and nursery of commercially and ecologically important fish and shellfish species such as Striped Bass, American Shad, Alewife, Blueback Herring, and Blue Crab. In addition, it hosts two federally listed endangered fish species, the Atlantic Sturgeon and Shortnose Sturgeon, and an expanding population of nesting bald eagles.

Within the Hudson River Estuary are several SCFWHs designated under the federal Coastal Zone Management Act and New York Coastal Management Program, and an additional five sites constituting the Hudson River National Estuarine Research Reserve.[23] The proposed CHPE Project route within the 88-mile Hudson River Segment will directly intrude upon several of these SCFWHs, yet the direct and indirect impacts of selecting the submerged route through

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[21] See Normandeau Associates, Inc., Technical Review of Environmental Impact Assessments of the Hudson River Segment of the Champlain-Hudson Power Express (dated January 15, 2014), Exhibit 1 hereto.

[22] The DEIS indicates that "[v]essel anchorage would be prohibited in the transmission line ROW," which is further described as being "approximately 30 feet (9 meters) in width in most underwater areas." *See* DEIS, p. S-34, 2-31. Thus, the acreage amount is based upon a simple conversion of area to acreage: 88 miles x 5280 feet/mile x 30 feet x 1 acre/43,560 feet^2. Additionally, the DEIS (at S-34) recognizes that "local authorities" would be relied upon "to prevent the possibility of anchor damage" to the HVDC Line. It seems entirely inappropriate and unreasonable for a safety issue of this dimension to be based upon local enforcement shared between the numerous municipalities having jurisdiction along the 88-mile Hudson River route.

[23] In a combined Article 78/declaratory judgment action currently pending in the New York State courts, affiliates of Entergy have challenged the designation of the four-mile stretch of the Hudson Highlands SCFWH adjacent to Indian Point as a Habitat. That challenge, which does not pertain to the entire Hudson Highlands SCFWH, was denied by a trial court judge on November 20, 2013. The appeal of that decision was filed on December 26, 2013, raising multiple grounds why the New York Appellate Division should reverse or vacate the decision of the trial court, and nothing in this letter or the annexed Expert Report should be deemed a waiver of the position taken in that proceeding. Importantly, even if the particular portion of the Hudson Highlands SCFWH challenged in that proceeding should be dedesignated, the points made above in text remain in force with respect to the balance of the Hudson Highlands SCFWH and the other Habitats mentioned.

820-10: As indicated in Section 3.3.4 of the EIS, the proposed CHPE Project would transect SCFWHs along the Hudson River; however, the proposed CHPE Project would not impact any wetlands contained therein. Impacts on wetlands in SCFWHs have been clarified in Section 3.3.8 of the Final EIS. Sufficient analysis of impacts on SCFWHs is otherwise provided in EIS Section 5.3.4 and other similar sections. The transmission line route that transects five SCFWHs was approved by state agencies (including NYSDEC and NYSDOS) during the NYSPSC Article VII process culminating in the issuance of the NYSPSC Certificate in April 2013.

the sanctuary and these SCFWHs is inadequately addressed in the DEIS and CWA § 404(b) Application. For example, the CHPE Project route intentionally selected an overland route to avoid the Haverstraw Bay SCFWH, but failed to afford the same protections for other SCFWHs (Catskill Creek, Esopus Estuary, the Kingston-Poughkeepsie Reach, the Hudson Highlands, and the Lower Hudson River Reach). Because reasonable alternate overland routes along existing utility and transportation corridors are both available and obvious, prudent management practices warrant avoiding the uncertainties of an underwater route to protect all SCFWHs within the Hudson River Estuary. 820-10

The DEIS does not adequately address the cumulative environmental impacts associated with the Hudson River Segment of the CHPE Project, when combined with other, reasonably foreseeable construction projects affecting the Lake Champlain and Hudson River environments. Other projects proposed coincident with the CHPE Project include the West Point Transmission Project (77.6 miles of underwater buried cable) and the TDI New England Clean Power Link Project (100 miles in Lake Champlain, apparently on the same route as CHPE), yet the cumulative impact of these projects when combined with the CHPE have not been adequately addressed in the DEIS.[24] This can be demonstrated by comparison to another massive construction project, the Tappan Zee Bridge Construction Project, the impacts of which will overlap with those of the CHPE. The impacts from the CHPE Project are spatially extensive and of a similar magnitude of disturbance (185 acres) compared to the spatially and temporally restricted Tappan Zee Project (246 acres), yet the Tappan Zee project has undergone, and will undergo, far more detailed environmental study, analysis and mitigation than is offered in the DEIS. Further, new information arising from studies of endangered species and their habitat use required by the Tappan Zee Project must be considered in the DEIS here to adequately assess the incremental and cumulative impacts of the CHPE Project, when added to the Tappan Zee Bridge Project. 820-11 820-12

There is also a convergence of existing and proposed projects in the Hudson River near Indian Point that warrant a more thorough cumulative impact analysis than is found in the DEIS. The Hudson River near Indian Point is an area of a high level of anthropogenic use, including the existing Spectra gas pipeline and proposed expansion, and the proposed underwater West Point transmission cable that would exit the river at Con Edison's Buchanan North Substation, located adjacent to the Indian Point Energy Center. These existing and proposed uses are all within the recently (August 2012) expanded lower reach of the Hudson Highlands SCFWH, which extended the former Hudson Highlands SCFWH from Hudson River miles (HRM) 44-56 by four miles downstream to Stony Point and by an additional four miles upstream to Denning Point to now encompass HRM 40-60.[25] The CHPE Project will bisect this newly designated SCFWH for several river miles. 820-13

[24] As reported on the website established by TDI New England, the company proposes to construct a 1,000 MW HVDC transmission to Vermont and the New England marketplace by, in part, routing the line under Lake Champlain. *See* http://necplink.com/docs/New_England_Clean_Power_Link_Map.pdf. Upon information and belief, TDI New England is a sister-company to CHPE's parent, TDI.

[25] As noted in footnote 23, nothing in this letter or the annexed Expert Report should be deemed a waiver of the position taken in the court proceeding related to the designation of the four-mile stretch of the Hudson Highlands SCFWH adjacent to Indian Point as a Habitat.

820-11: The West Point Transmission Project is already addressed in Section 6.1.1.4 of the EIS and in the cumulative impacts analysis in Section 6.1.2. The New England Clean Power Link Project is now addressed in Sections 6.1.1.2 and 6.1.2 of the Final EIS. Section 6.1.2 also includes a consideration of the potential for cumulative impacts in the Hudson River from the USACE Hudson River maintenance dredging project, the Spectra-AIM Project, the West Point Net Zero Project, the Tappan Zee Hudson River Crossing Project, among others.

820-12: Analysis and development of the Draft EIS was based upon best available information, and EIS Chapter 6 presents an analysis of the cumulative impacts of the proposed CHPE Project, the Tappan Zee Bridge Project, and other projects in the vicinity. In addition, DOE has prepared a BA in consultation with NMFS and USFWS, and this is included as Appendix Q of the EIS. Among the sources used in the preparation of the CHPE BA were the BA and the Biological Opinion issued by NMFS for the Tappan Zee Project. DOE and the Applicant continued coordination with NMFS and the USFWS to address potential impacts on protected species.

820-13: The potential impact to the Hudson Highlands SCFWH are addressed in Section 5.3.4 of the Final EIS.

The organic fraction of the sediments that will be redistributed by dredging will likely be transported even further than the inorganic fraction, potentially exacerbating the spread of anoxic or low oxygen concentration waters that are in violation of numeric and narrative water quality standards for waters of the Hudson River Estuary. Blasting, HDD activities, and the use of drilling fluids have the potential to increase turbidity and contaminants in nearby groundwater wells due to bedrock fracturing and an increase in pore volume. Due to a slow rate of groundwater exchange, these alterations to groundwater quality are rarely "temporary" as described in the DEIS and CWA § 404(b) Application. Furthermore, the Spill Prevention, Controls, and Countermeasures ("SPCC") and/or an Environmental Management and Construction Plan ("EM&CP") proposed in the DEIS rely on subjective visual and operational management, and not on quantitative best management practices like volume or pressure metrics, and thus are inadequate for a project of this magnitude and potential impacts. While the DEIS provides rudimentary information on the heat dispersion properties of the HVDC cable at depth and in varying types of sediments, there is insufficient information to determine whether this thermal input to the Hudson River will have no significant individual or cumulative impact on the Hudson River Estuary or on the permitted existing permitted uses.

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The annexed Expert Report also demonstrates how the DEIS's evaluation of magnetic fields and induced electrical fields is incomplete, particularly regarding the potential effects on two federally-listed endangered fish species, Atlantic Sturgeon and Shortnose Sturgeon. These are both bottom oriented fish species that spawn over the soft substrates, use the near bottom areas as nursery habitat for their larvae and juveniles, forage for benthic invertebrates, and in general spend nearly all of their estuarine life within 3 feet of the Hudson River substrate and therefore in close proximity to the CHPE transmission cable whether buried or covered by rip rap mats. Studies of other sturgeon species suggest that these two endangered species may be sensitive to both magnetic and induced electrical fields and avoid contact with these fields. Recent (2012-2013) Hudson River Biological Monitoring Program trawl catch data from 2012-2013 demonstrate relatively high abundance of juvenile Atlantic Sturgeon and Shortnose Sturgeon caught directly on the proposed cable route in the upper portion of the Hudson Highlands CHPE. As noted in the Report, a concentration of Atlantic and shortnose sturgeon overwintering in the expanded northern portion of the Hudson Highlands SCFWH was recently revealed through analysis of fisheries monitoring data from August 29, 2012 through August 29, 2013 and reported to the National Marine Fisheries Service. Displacement of sturgeon from this habitat was not addressed in the DEIS or CWA § 404(b) Application, and must be adequately addressed to determine the impacts of the proposed CHPE cable route for these two endangered species. Furthermore, the evaluation of fish exposure to magnetic fields generated by the AC cable and to induced electrical fields, although superficially addressed in the DEIS for electrosensitive species, is incomplete because it does not consider species other than those with documented electrosensitivity.

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B. The DEIS Fails to Take a Hard Look at All Reasonable Alternatives

As previously stated, an EIS must assess, *inter alia*, "alternatives to the proposed action." 42 U.S.C. § 4332(2)(C). An agency's assessment of alternatives "sharply defin[es] the issues and provid[es] a clear basis for choice among options by the decisionmaker and the public." 40 C.F.R. § 1502.14. Agencies must "[r]igorously explore and objectively evaluate all reasonable alternatives." *Id.*, § 1502.14(a). Although agencies have discretion to identify the

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820-14: As noted in the EIS Sections 2.6.3, 5.2.3, and 5.3.3, impacts on groundwater quality could occur from HDD and drilling fluids and if blasting of bedrock is required. These impacts would be short-term in the sense that the potential exposure period would only occur during construction activities. As explained in Section 5.2.3, there is a low likelihood of groundwater impacts from drilling fluids due to the characteristics of the fluid and natural soil filtration processes, and any groundwater impact would be localized to the area immediately adjacent to the construction area. Blasting activities would be performed in strict adherence to all industry standards applicable to control of blasting and blast vibration limits as specified in a blasting plan to be developed by the Applicant as part of its EM&CP. The Applicant is also developing a private well response plan to address relevant impacts (see Section 5.2.9 of the EIS).

820-15: As identified in Joint Proposal Appendix F, Best Management Practices (see EIS Appendix C), a Drilling Fluid Management and Disposal Plan would be developed as part of the EM&CP. This plan would establish the procedures to be used during HDD operations and include, for example, both visual and quantitative monitoring of the drilling fluid. The Applicant would also use sheet pile cofferdams at the HDD exit points in waterbodies to minimize the risk of a drilling fluid release to the aquatic environment. Such measures are described further in Sections 5.1.9 and 5.1.15 and Appendix G of the EIS.

820-16: See response to Comment 820-03.

820-17: Impacts on sturgeon species that overwinter in the expanded northern portion of the Hudson Highlands SCFWH is sufficiently addressed in the BA included as an appendix to the Final EIS. Also see response to Comment 204-28 regarding how construction windows for the project were developed to minimize impacts on overwintering and spawning grounds.

820-18: As addressed in Section 5.3.4 of the Final EIS, the present state of knowledge about the impacts on fish from magnetic and

electric fields emitted by underwater transmission lines is variable and inconclusive. The analysis of impacts of exposure to magnetic and electric fields on aquatic species was based upon best available information and covered a range of species on which scientific data were available, including sunfish, minnows, bass, sturgeon, flounder, sharks, and eels. This analysis demonstrated that the potential effect of magnetic fields or induced electric fields on fish or their prey would not be significant.

range of "reasonable" alternatives, they must "include the alternative of no action." *Id.*, § 1502.14(c)-(d). As DOE noted in the DEIS (at p. S-3), "[i]n determining whether a proposed action or a reasonable alternative is in the public interest, DOE considers the potential impacts of the proposed action and any reasonable alternatives on the environment pursuant to NEPA, the Proposed Action's impact on the reliability of the U.S. electric power supply system, and any other factors that DOE considers relevant." The ostensible justification for the Proposed Project is to by-pass existing system congestion problems and inject presumably lower-cost Canadian power directly into the constrained New York City load pocket. *Id.* A fundamental flaw in the DEIS's alternatives analysis, however, is its sole focus on alternative means of sourcing *Canadian* power to achieve that purpose. As evidenced, again, by the NYPSC's ongoing AC Transmission proceeding (NYPSC Case Nos. 12-T-0502 and 13-E-0488), there are numerous other more local and potentially less environmentally harmful means of relieving those system constraints and increasing the deliverability of power to the New York City load pocket, yet the DEIS impermissibly fails to consider them as alternatives to the Proposed Project. It also fails to consider those projects as part of the "no action" alternative, *i.e.*, the likelihood that, should the Proposed Project not be authorized, congestion relief could still be accomplished through the AC transmission projects. In other words, the Proposed Project may be unnecessary and redundant of other projects.

820-19 **820-19:** See response to Comment 820-08.

C. The Proposed Project Does Not Serve the Public Interest

"Applications for Presidential Permits are evaluated based on the potential impacts that a proposed project could have on the environment, the operating reliability of the U.S. electric power supply, and any other factors relevant to the public interest." DEIS, at p. S-3. With a project of this magnitude, the possibility that New York consumers will be forced to subsidize the Proposed Project's costs, directly or indirectly, is a matter directly "relevant to the public interest." Here, although denominated a "merchant" transmission project (DEIS, at p. S-3), *i.e.*, one in which the project's investors assume all financial risk, it is now quite clear that CHPE's business model will impose at least some of the Proposed Project's costs on New York consumers.

On May 30, 2012, CHPE (by and through their affiliate TDI) and Hydro-Quebec separately submitted their respective responses to Governor Andrew Cuomo's "Energy Highway Initiative" ("Energy Highway") Request for Information ("RFI").[26] The first proposal contained in Hydro-Quebec's EHI submission is titled "Hydro-Quebec participation in Champlain Hudson Power Express." The accompanying text states, *inter alia*, "[Hydro-Quebec] proposes to become the 'anchor tenant' for the [TDI] project by committing up to a 40-year purchase of 75% of the transmission rights, effectively paying for the construction of the line."[27] TDI's companion EHI submission states, "TDI will enter into a 35-40 year Transmission Service Agreement with [Hydro-Quebec] or other entity for 750 MW of transmission capacity."[28]

[26] A true and correct copy of CHPE's and Hydro-Quebec's Energy Highway submissions are annexed hereto as Exhibit 2.

[27] Id., Hydro-Quebec EHI submission at 3 of 13 (footnote omitted).

[28] Id., TDI EHI submission at 11 of 26.

Read together, as they are intended to be, TDI's and Hydro-Quebec's RFI submissions reveal a business model under which Hydro-Quebec may finance the Project, in whole or in part, "effectively paying for the construction of the line," in return for the right to 75% of the Project's transmission capacity for a term of years. As evidenced by, *inter alia*, Hydro-Quebec's recent entreaty to the NYPSC to amend the qualifying criteria of the RPS program to include hydropower imports, Hydro-Quebec would likely only be willing to undertake such an obligation if the costs could be offset by some extra-market mechanism that would allow recoupment of the price paid to secure long-term transmission rights on the HVDC Line. Under the RPS program, and/or through an out-of-market contract with a New York load serving entity, that offset would come through payments made by New York consumers, not the Proposed Project's investors. If that were to occur, the Proposed Project would actually harm, not advance, the public interest.

CONCLUSION

Entergy-IP is seeking to ensure through submission of this comment letter, as well as the annexed Expert Report, that all entities that have filed permit applications to undertake energy-related activities in New York are held to an appropriate-level of scrutiny. However, for the reasons specified above, given the high standard of environmental review to which USACE and DOE are held under applicable law, the permit applications submitted by CHPE to the two agencies should be denied.

Respectfully submitted,

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EXHIBIT 1

NORMANDEAU
environmental consultants

Technical Review of Environmental Impact Assessments of the Hudson River Segment of the Champlain-Hudson Power Express

Prepared For:
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Entergy Indian Point 3, LLC and
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15 January 2014

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Executive Summary

A technical review was performed of the September 2013 Draft Environmental Impact Statement (DEIS) and the Clean Water Act Section 404 Permit Application Alternatives Analysis Report (404 Application) for the Champlain Hudson Power Express, Inc. (CHPE) proposal to construct, operate and maintain an approximately 336-mile long 1000 MW high-voltage, direct-current (HVDC) transmission line and related facilities from Quebec to New York City (CHPE Project). The objective of this technical review was to assess the selection of an 88-mile long Hudson River Segment of the CHPE Project as the Least Environmentally Damaging Practicable Alternative (LEDPA) based on the temporary, permanent, and cumulative impacts to the natural environment identified and described in the DEIS.

The Hudson River Estuary is classified as the length of river from the Verrazano Narrows – the tidal strait separating Staten Island and Brooklyn, to the Troy Dam just north of Albany, is a variable habitat that represents the overlap between southern and northern ecological zones, traverses saline, brackish and fresh waters, and includes many important natural resources, including a substantial recreational fishery and nursery areas for many important commercial species. The Hudson River drainage has more than 200 species of fish, with 129 of those being found in the tidal portion of the estuary (Daniels et al. 2005). In addition, the Hudson River Estuary supports nearly 100 species of special emphasis, including federally and state-listed endangered or threatened species of fish, birds, and plants.

Within the Hudson River Estuary are many Significant Coastal Fish and Wildlife Habitats (SCFWHs) designated by the New York State Coastal Zone Management Act, and an additional five sites constituting the Hudson River National Estuarine Research Reserve. While the proposed CHPE Project route within the 88 mile Hudson River Segment avoids direct contact with all but five SCFWHs, the direct and indirect impacts of selecting the submerged route through this area and these five SCFWHs are problematic in that they are inadequately addressed in the DEIS and 404 Application. It appears the CHPE Project route intentionally selected an overland route to avoid the Haverstraw Bay SCFWH, but did not afford the same protections for five other SCFWHs (Catskill Creek, Esopus Estuary, the Kingston-Poughkeepsie Reach, the Hudson Highlands, and the Lower Hudson River Reach). Prudent management practices warrant avoiding the uncertainties of an underwater route for the CHPE Project to protect all SCFWHs within the Hudson River Estuary when overland routes along existing corridors are both available and obvious, low-environmental impact alternatives.

The 88 miles of CHPE Project transmission cable proposed for installation within the Hudson River Segment would either be installed over the hard bottom substrate or be buried in a shallow trench beneath the soft bottom habitat of the Hudson River Estuary through a mechanism known as a jet or hydraulic plowing. Jet plowing uses a pressurized water jet to displace the bottom sediment from the trench in which the cable is placed, allowing the suspended sediment to re-settle on top of the cable. Although use of jet plowing was included in the Best Management Practices (BMP) guiding this project, detailed model input parameters were not provided, sediment dispersion was not modeled, and assumptions may have been overstated. For these reasons it is unclear if the specific displacement of sediments within the five SCFWHs of the Hudson River Estuary by jet plowing represents a temporary disturbance, or if the suspended material could have

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820-20: The transmission line route that transects five SCFWHs (and that avoids the Haverstraw Bay SCFWH) was approved by state agencies as identified in the response to Comment 820-10, and the EIS analysis on impacts in SCFWHs is considered sufficient.

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820-21: The Final EIS included an evaluation of the potential impacts in the Hudson River that would be associated with the planned jet plow method for installing the transmission line. Information related to water quality and sediment transport modeling efforts and compliance with water quality standards is located in Section 5.3.3 and information concerning the potential impact to aquatic species is presented in Sections 5.3.4 and 5.3.5 of the Final EIS, Section 5 of the BA (EIS Appendix Q), and Section 4 of the EFH Assessment (EIS Appendix R).

substantial long-term detrimental impacts on biota in the water column. Key potential impacts for a project of the scale addressed here include de-oxygenation of potentially large areas of the water column by re-suspended organic materials, turbidity above known tolerances for certain species, and smothering. Sufficient overland routes along existing transportation or transmission corridors exist to make the selection of 88 miles within the Hudson River Estuary the most environmentally damaging alternative, particularly since the CHPE Project is not a water-dependent use.

The DEIS and 404 Application have not adequately demonstrated that the submerged CHPE Project route within the Hudson River Estuary is significantly less costly than overland routes. The DEIS and 404 Application have not adequately demonstrated that an overland route is logistically impracticable compared to the 88 miles of submerged cable within the Hudson River Estuary. To the contrary, the potential for significant adverse effects of the Hudson River Segment of the CHPE Project to "waters of the United States" clearly demonstrate that it fails to be the LEDPA.

The DEIS and 404 Application also have not adequately addressed cumulative impacts or imposed sufficient mitigation measures associated with the Hudson River Segment of the CHPE Project. By comparison, the level of study and mitigation (both in-kind and out-of-kind) required for the Tappan Zee Bridge Construction Project far exceeds that related to the proposed CHPE Project. The impacts from the CHPE Project within the Hudson River Segment are spatially extensive along 88 miles of river bottom and greater in magnitude (168 acres of temporary disturbance and 25 acres of permanent change estimated by the DEIS) compared to the spatially constrained Tappan Zee Project (139 acres total disturbed and 107 acres permanently changed). New information arising from studies of endangered sturgeon species and their habitat use required by the Tappan Zee Project should be considered to adequately assess the incremental and cumulative impacts of the CHPE Project. Other projects proposed coincident with the CHPE Project include the West Point Transmission Project (77.6 miles of underwater buried cable) and the TDI New England Clean Power Link Project (100 miles in Lake Champlain), and these cumulative impacts have not been adequately addressed in the DEIS or 404 Application.

In addition, the area of Hudson River permanent impact based on Table 5.1-4 "Locations of non-burial cable installation and associated area of impact and volume of permanent fill" in the CHPE Project Description and Purpose Attachment A, Part 3 is much greater (25.4 acres) than the value given in the Public Notice table "Obstacles encountered: impacts from non-cable burial along the submarine route" (8.8 acres). Regarding in-water cable burial (temporary) impacts as illustrated in the public notice, some of these values could not be reproduced based on the information contained within the table, and therefore one or more of the source documents are believed to contain errors which should be reconciled to validate the final estimated areas and volumes of impact.

Surface and groundwater quality considerations should be included in the permit applications as they are filed. Water quality aspects of the CHPE Project were not sufficiently modeled in the DEIS or 404 Application to provide reasonable certainty regarding the magnitude of impacts from sediment disturbance, redistribution of sediments, sediment contamination including PCBs, biological oxygen demand, groundwater quality, hazardous wastes, and electrical and magnetic fields. The process specified for burying the CHPE Project cable in the soft sediment portions of the Hudson River Estuary would not

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820-22: Section 2.5 of the Final EIS presents the analysis of alternatives considered while Sections 5.3.3, 5.3.4, 5.3.5, and 5.3.8 of the Final EIS identify that the construction, operation, and maintenance of the transmission line in the Hudson River would not have significant environmental impacts on water quality and SCFWHs.

820-23: Comment noted. See EIS Section 2.5.2 for an explanation of why the alternative upland transmission line routes were dismissed from further evaluation.

820-24: A list of measures to minimize potential impacts is presented in EIS Appendix G. The Applicant continues to coordinate with agencies, as appropriate, to ensure the proposed CHPE Project design and associated mitigations are in accordance with regulations and that the analysis addresses not only individual impacts, but also cumulative impacts of the Project along the installation route.

As indicated in Section 5.3.8 of the EIS, 0.03 acres of wetlands would be temporarily impacted by the proposed CHPE Project in the Hudson River Segment. A Conceptual Wetland Mitigation Plan has been prepared by the Applicant and is available for review on the CHPE EIS Web site at http://www.chpexpresseis.org.

Analysis provided in the Draft EIS on the impacts of the proposed CHPE Project on endangered species and their habitats was based upon best available information. Additional details on the impacts of the proposed CHPE Project on endangered species are included in the BA. The Applicant continues to coordinate with the NMFS and the USFWS regarding impacts on endangered and otherwise protected species and their habitats.

The proposed CHPE Project combined with other reasonably foreseeable projects, including the Tappan Zee Project, are sufficiently addressed in the cumulative impacts analysis in Chapter 6 of the EIS. The West Point Transmission Project is already addressed in Section 6.1.1.4 of the EIS and in the cumulative impacts analysis for each resource area in the same section. The New England Clean Power Link Project is now addressed in Sections 6.1.1.2 and 6.1.2 of the Final EIS.

820-25: As indicated in the EIS, water quality impacts would be within regulatory standards as estimated through water quality modeling processes. See Sections 5.3.3, 5.3.4, 5.3.5, 5.3.9, and 5.3.12 of the EIS for more information on the analysis and impacts of the proposed CHPE Project on water quality, aquatic species, sediment quality, hazardous wastes, and public health in the Hudson River Segment.

include containment of sediments and thus would result in re-suspension of up to 242,257 cubic yards (6.5 million cubic feet) of bottom material for some unknown distance from the trench (assumed to be at least 15 feet laterally). The potential re-suspension of sediments remains unquantified by the modeling as described in the available documents at the level of detail required for a project of this magnitude. Presumably natural currents, bed load transport, and wave action will return a portion (up to 70% or 80%) of the displaced material to fill back into the trench. However CHPE's calculation of the amount of original material that would be returned to the trench and the rate of filling is largely speculative and should be thoroughly delineated to best quantify the habitat disturbance and whether that disturbance is temporary or permanent for each component of the aquatic community. For example, the organic fraction of the sediments redistributed by dredging would likely be transported even further than the inorganic fraction, potentially exacerbating the spread of anoxic or low oxygen concentration waters that may violate numeric and narrative water quality standards for waters of the Hudson River Estuary.

Likewise, blasting, shear plowing, conventional dredging, horizontal directional drilling activities, and the use of drilling fluids associated with transition zones between overland and underwater segments of the CHPE Project have the potential to increase turbidity and contaminants in nearby groundwater wells due to bedrock fracturing and an increase in pore volume. Due to a slow rate of groundwater exchange, these alterations to groundwater quality are rarely "temporary" as described in the DEIS and 404 Application. Furthermore, although the DEIS specifies that either a Spill Prevention, Controls, and Countermeasures (SPCC) Plan and/or an Environmental Management and Construction (EM&C) Plan would be prepared in the future to address potential discharges of hazardous materials related to the Project, the DEIS also makes clear that whatever plan is chosen would rely on subjective visual and operational management, and not on quantitative BMPs like volume or pressure metrics. Implementation of such subjective measures is wholly inadequate for a project of this magnitude and potential impacts.

Further, the evaluation of magnetic fields and induced electrical fields in the record is incomplete, particularly regarding the potential effects on two federally-listed endangered fish species, Atlantic Sturgeon and Shortnose Sturgeon. These are both bottom oriented fish species that spawn over the soft substrates, use the near bottom areas as nursery habitat for their larvae and juveniles, forage for benthic invertebrates, and in general spend nearly all of their estuarine life within three feet of the Hudson River substrate and therefore in close proximity to where the CHPE Project transmission cable would be buried or covered by rip rap mats. Studies of other sturgeon species suggest that these two endangered species may be sensitive to both magnetic and induced electrical fields and avoid contact with these fields. The most recent Hudson River Biological Monitoring Program trawl catch data reported from 2012-2013 also demonstrate high abundance of juvenile Atlantic Sturgeon and Shortnose Sturgeon caught on the river bottom directly along the proposed cable route in the upper portion of the Hudson Highlands SCFWH. The sturgeon use of this expanded portion of the Hudson Highlands SCFWH and the expansion of the State's SCFWHs are both recent phenomena. Neither phenomenon was taken into account in the State level Article VII proceeding, the record of which closed long before the discovery of this new habitat use and the designation of additional SCFWH habitat. Nor are these new

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820-26: The quantities of suspended material generated and its distribution in the Hudson River Segment is addressed in Section 5.3.9 of the Final EIS. The potential sediment concentrations and impact on the water column are presented in Section 5.3.3.

820-27: The CHPE Project would involve HDD operations at four locations along the Hudson and Harlem Rivers where the cable would transition between land and water. As cited in Section 2.4.3 of the EIS, the drilling process would use bentonite clay as a lubricant. A monitoring program would be established to determine whether this drilling fluid is leaking from the borehole, and if so, whether any response action is needed. Due to the limited area that could potentially be impacted, and the low likelihood that the bentonite clay could flow to a nearby drinking water well, the EIS concludes in Section 5.3.3 that significant impacts on groundwater quality are not anticipated.

820-28: As stated in Section 2.4.3, "The monitoring program would consist of visual observations in the surface water at the targeted drill exit point and monitoring of the drilling fluid volume and pressure within the borehole. Visual observations of drilling fluid in the water, or excessive loss of volume or pressure in the borehole would trigger response actions by the HDD operator, including halting drilling activities and initiating cleanup of released bentonite." Monitoring the borehole pressure and measuring the amount of bentonite are quantitative measures used to identify when losses are occurring and are standard industry procedures. Detailed plans and procedures for monitoring, agency notifications, and remedial actions would be developed by the Applicant as part of the EM&CP.

820-29: See response to Comment 820-18.

820-30: See response to Comment 820-17.

developments addressed in the DEIS or 404 Application, as they must be to determine the impacts of the proposed CHPE Project cable route on these two endangered species.

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1.0 Introduction

Normandeau Associates, Inc. (Normandeau) undertook a technical review of the September 2013 Draft Environmental Impact Statement (DEIS) and the Clean Water Act Section 404 Permit Application Alternatives Analysis Report (404 Application) for the Champlain Hudson Power Express, Inc. (CHPE) plan to construct a 330-mile long 1000 MW high voltage direct current (HVDC) transmission line and related facilities from Quebec directly to New York City. The objective of this technical review was to assess the selection of an 88-mile long Hudson River Segment of the CHPE Project as the Least Environmentally Damaging Practicable Alternative (LEDPA) based on the temporary, permanent, and cumulative impacts to the natural environment identified and described in the DEIS.

Many of the references to the available biological information related to the Hudson River Estuary are associated with specific locations measured along the centerline of the Hudson River from New York City to Albany. These locations within the Hudson River Estuary are labeled by Hudson River Miles (HRMs), which denote one-mile long segments of the river between successive mile marks measured along the river's centerline progressing upstream from Battery Park at the southern tip of Manhattan Island in New York City to the Troy Dam near Albany. Each HRM segment is named according to the mile mark at the boundary furthest from Battery Park, so there is no HRM 0. For example, HRM 1 in the Battery region of the Hudson River is from mile mark 0 at Battery Park to mile mark 1, HRM 2 is from mile mark 1 to mile mark 2, etc. The Troy Dam forms the upstream boundary of HRM 152 and the upper boundary of the Hudson River Estuary. This document will refer to HRM and distinguish these segments of the Hudson River Estuary from the mile points designated by the CHPE (CHPE MP) that were measured south from the CHPE MP 0 at the Canadian-New York border along the proposed HVDC cable route.

With respect to the DEIS, this review evaluates if the route selected for the Hudson River Segment of the CHPE Project is adequately supported by findings of no, low, or temporary impacts; i.e. if the selected route is indeed the LEDPA. With respect to the 404 Application, this review considers if the LEDPA recommendation for the Hudson River Segment in the DEIS adequately avoided or minimized impacts, and proposes sufficient mitigation for those impacts not avoided. This review relies on Normandeau's areas of expertise in water quality certification (Section 401), wetlands, dredge and fill regulations (Section 404) of the Clean Water Act, and aquatic ecology, based on the unparalleled technical information derived from approximately 40 years of performing annual environmental monitoring in the Hudson River Estuary for both the Hudson River power generators (including Entergy Nuclear Operations, Inc., "Entergy") and on behalf of the New York State Department of Environmental Conservation (NYSDEC).

The specific documents reviewed include:

- Department of Energy Draft Environmental Impact Statement (DOE 2013)
- United States Army Corps of Engineers (USACE) 404 Permit Application, as supplemented in February, 2012 (CHPE 2012b), and relevant Appendices

- New York State Public Service Commission 401 Water Quality Certificate Conditions (PSC 2013a)
- New York State Certificate of Environmental Compatibility and Public Need Conditions (PSC 2013b)
- New York State Department of State Conditional Coastal Zone Consistency Determination (DOS 2011)
- Army Corps of Engineers Public Notice (USACE 2013).

2.0 Water Quality and Hazardous Materials

2.1 Water Quality

As acknowledged in all documents reviewed, submarine cable installation in the beds of all water bodies will result in "increased turbidity and downstream sedimentation and re-suspension of contaminated sediments in surface water." The specific form of cable embedment via jet plow proposed for the CHPE Project presents particular habitat and aquatics concerns. Sufficient quantities of displaced material can have substantial detrimental impacts on biota in the water column from increased turbidity and downstream displacement of sediments, as well as the biota buried by jet plowing within the trench. Key potential impacts for a project of the scale addressed here include de-oxygenation of potentially large areas of the water column, turbidity above known tolerances for certain aquatic species, and smothering. Key questions include whether this technology is appropriate for work of the scale of the CHPE Project, why other routes that result in far lower impacts are not considered and preferred, the implications of sediment loading on aquatic organisms, particularly for species of heightened susceptibility. None of these topics are adequately addressed at a sufficient level of detail in the CHPE application documents for a project of this magnitude.

Disturbance of the top layer of sediments for a project of this magnitude will mobilize a considerable organic fraction into the overlying water. This mobilization would increase the biological activity within the water column for extended periods during the resettlement time, and can cause or contribute to a locally significant increase in biological oxygen demand. Because organic material would likely be transported greater distances than inorganic material due to its lower density, the area of potential reduced dissolved oxygen could extend to far beyond the 15 feet lateral zone centered on the HVDC cable path that is assumed to be the zone of impact, and therefore the zone of sediment redistribution (CHPE 2012d). Newly decaying biological loads may serve as substrate for benthic bacteria and algal growth which could increase the benthic metabolism and associated oxygen demands, creating blooms that further exacerbate the spread of hypoxic or anoxic zones. These conditions would in turn jeopardize survival of benthic invertebrates, shellfish and fish within the affected zone, particularly some of the less mobile forms like bivalve and some gastropod mollusks. It is unclear whether the temporal and spatial extent of the impact on dissolved oxygen was investigated through the modeling activities or through any other investigation conducted by the applicant.

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820-31: Given the short term nature of the transmission line installation process, the water quality analysis focused on acute rather than chronic effects. Impacts to dissolved oxygen levels are typically assessed using the biochemical oxygen demand (BOD5) parameter, which assesses the impact on oxygen levels over a 5-day period. Measurement of total suspended solids (TSS) includes the organic materials that would contribute to BOD5, and assessing and controlling TSS levels is an accepted method of managing the potential impact on dissolved oxygen levels for construction projects. See EIS Section 5.3.3 for a discussion on the TSS analysis for the proposed CHPE project.

Cable embedment via jet plow is considered in the DEIS and in the 404 Application to cause no violation of water quality standards for any regulated water quality parameters. It is not clear, however, where those predictions were made along the 88 miles of Hudson River Segment, and at what level of spatial resolution. Furthermore, the complete set of input parameter and results of the DHI MIKE3 model were not disclosed in any of the review documents. 820-32

Without a detailed review of the input data, only generalized assessments can be made. We note that there was no attempt to model sediment dispersion during cable installation. But there was reference in the DEIS to sediment re-deposition not being significantly distant from the point of disturbance under average Hudson River water velocity of less than three (3) miles per hour. However, a peer-reviewed publication by Neff and Geyer (1996) indicates velocities of approximately 2 meters per second (or 4.4 miles per hour) within the Hudson River under normal flow conditions. Thus, the analysis is incomplete, even in terms of normative Hudson River conditions. 820-33

Theories of hydraulic flow assume a no-slip condition at the interface of the water and conduit merely for mathematical simplicity. By assuming that the disturbance of material is occurring below the interface, velocities that may be influential in disturbing sediments are minimized to potentially unrealistically low magnitudes, hence further under-estimating the potential for sediment transport. Additionally, despite the use of a three-dimensional model, there is no indication that cross-directional flow, confluences, or empirically-determined turbulence caused by the highly uncharacterized bathymetry of the water bodies were included, which may have led to an incorrect conclusion that 70% to 80% of the sediments would "settle back into the trench". 820-34

There is no indication of the particle size and density distribution used to predict the sediment disturbance. Estuarine and deep-riverine sediments may be much smaller than anticipated. Moreover, the return of sediments disturbed by jet plowing to their initial position in the water column can take several hours to days, as shown through the utilization of laboratory Imhoff cone experiments conducted in introductory level water quality courses. 820-35

The proposed dredging activities will mobilize up to 242,257 cubic yards (6.5 million cubic feet) along the entire 88 miles of Hudson River Segment (including the Hudson, Harlem and East Rivers; USACE 2013). Exacerbated disturbance of this volume of material with water velocities reaching a known normal velocity of 4.4 miles per hour (and the potential for considerably greater velocities) could result in turbidity that exceeds the water quality standard, specifying that "there is to be no increase that will cause a substantial visible contrast to natural" for the water quality classifications of the surface waters found along the Hudson River Segment of the CHPE Project (Class SB, Class B, Class A; http://www.dec.ny.gov/chemical/23853.html). Even with 70% to 80% of the sediments returned to the trench through gravity settling, as claimed in the DEIS, there is the potential for the remaining 1.3 to 2.0 million cubic feet of bottom sediments and its associated contaminant load to be displaced from the trench and dispersed widely over previously undisturbed portions of the Hudson River. The above concerns are exacerbated where known contamination or species of particular susceptibility to those contaminants exists, as discussed below. 820-36

820-32: The Applicant's Water Quality Modeling Report for the Hudson, Harlem, and East Rivers (CHPEI 2012oo) provides the inputs for the DHI MIKE3 model and reports the results by CHPE Project route mile. According to the Applicant, the model and its inputs were calibrated and verified and was approved by the USACE, the USEPA, and an independent panel of experts as part of the USACE Harbor Navigation Study in 1995. In addition, the methodology for the water quality modeling was reviewed by the NYSDEC. This report was provided as Exhibit 85 to the NYSPSC Article VII application and is available at http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?Mattercaseno=10-T-0139.

820-33: As stated in the response to Comment 820-32, studies of sediment suspension and dispersion during the transmission line installation process in Lake Champlain, and in the Hudson, Harlem, and East rivers were completed by the Applicant and provided to NYSDEC for review during the Article VII process. These analyses specifically evaluated the release of sediment to the water column during the transmission line installation process and concluded that construction activities would comply with the identified guideline of 200 milligrams per liter (mg/L) of TSS. On the basis of this evaluation, and in turn accepting its parameters and results, the NYSDPS and NYSPSC issued the Section 401 Water Quality Certificate and the Article VII Certificate respectively for the proposed CHPE Project. The NYSPSC Certificate for the proposed CHPE Project limits the potential for the project to exceed TSS concentrations by requiring CHPE to conduct test trials to demonstrate its ability to achieve TSS standards before using the jet plow or shear plow.

820-34: As cited in the two previous responses, the Mike3 model was selected and set up for analyzing sedimentation impacts in the Hudson River on behalf of the USACE and USEPA. The results of the analyses, which are reported in EIS Section 5.3.3, have been accepted by NYSDEC and NYSDOS as part of the NYSPSC Certificate and the Section 401 Water Quality Certificate issued for the CHPE Project.

820-35: The particle size and density distribution of the sediments used in the model were based on actual core samples obtained along the transmission line route. See Section 5 (Pages 20–21) of the Water Quality Modeling Report (CHPEI 2012oo) for these parameters.

820-36: The transmission line installation would be carried out by a jet plow, not by dredging as stated in the comment. The water quality impacts presented in the EIS were based on the use of the jet plow, which limits the release of sediment to the water column, relied on site-specific physical and chemical sediment quality data and were based on an agency-approved water quality model. In addition, a Section 401 Water Quality Certificate has already been issued for the proposed CHPE Project.

2.1.1 Modeling of Expected Contaminant Concentrations

As acknowledged in all documents, submarine cable installation in the beds of all water bodies will result in "increased turbidity and downstream sedimentation and re-suspension of contaminated sediments in surface water", with the contaminants cited including "mercury, PCBs [polychlorinated biphenyls], and other toxins that could include dioxins/furan, PAHs [polycyclic aromatic hydrocarbons], pesticides, and other heavy metals". The jet plow may disturb contaminants attached electromagnetically or through molecular forces to sediments. This disturbance could , in turn, cause a contaminant plume that may be transported to areas much farther than estimated as the temporary impact zone in the DEIS, and at potentially higher concentrations.

2.1.2 PCBs and Metals

While the Project Applicant has taken steps to mitigate impacts to areas impacted by polychlorinated biphenyls (PCBs), the DEIS acknowledges that concentrations of PCBs exist at varying levels throughout the Hudson River Estuary outside of remediation areas (Levinton and Waldman 2006). Furthermore, the DEIS acknowledges that there remain concentrations of cadmium in some sediments above remedial action levels. There appears to be no specific plan for interaction and potential mobilization of this metal, which leaves an unacceptable exposure risk unaddressed.

2.1.3 Turbidity

Localized increased turbidity in the Hudson River Estuary is an expected impact from jet plowing and shear plowing. The DEIS concedes that increased turbidity "could include smothering, reduction of filtering rates, toxicity from exposure to anaerobic sediments, reduced light intensity, and physical abrasion," including mortalities (DOE 2013). However the review of these potential impacts to all life stages of fish, macroinvertebrates, and plankton is incomplete and no attempt at quantifying these impacts, including potential mortality, has been attempted. Fish are particularly sensitive to increased turbidity (Kemp et al. 2011), and many species will avoid using habitat disturbed by increased turbidity, while some benthic macroinvertebrates (e.g., attached clams and mussels) are not capable of moving and will become embedded or buried, where they smother and die. Presumably, natural currents, bed load transport, and wave action will return a portion (up to 70% or 80%) of the displaced material to fill back into the trench; however the amount of original material returned to the trench, the amount of material redistributed away from the trench, and the rate of settling and filling are largely speculative and should be thoroughly delineated in the DEIS to best quantify the amount of habitat disturbance and whether that disturbance is temporary or permanent for each component of the aquatic community.

2.2 Electrical and Magnetic Fields

The presence of an electrical field may pose a small increase to the immediate water temperature as calculated by the applicant; however, within the sediments surrounding the cable and in areas where the transmission line will remain exposed (where covering is not possible due to impenetrable surfaces at the bottom of the water bodies), this temperature increase will be perpetual and potentially significant. Based on the material presented in the

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820-37: See response to Comment 820-25.

820-38: While page 3-111 of the Draft EIS stated that "some of the sediment samples included contaminants above remedial action levels", it is not apparent from the comment where in the EIS it is acknowledged that cadmium levels in sediment would be above remedial action levels. With respect to cadmium, the water quality modeling evaluated the potential release of cadmium into the water column during cable installation and found that cadmium concentrations would remain well below the NYS cadmium water quality standard. The analysis concluded that there would be no exceedances of New York State water quality standards for arsenic, cadmium, mercury, benz(a)anthracene, pyrene, 4,4-DDE, copper, lead, phenanthrene, naphthalene, fluorine, nickel, dioxin, acenaphthene, or PCBs established for protecting aquatic life from acute toxicity.

820-39: The EIS conclusions regarding the potential impact of Project-related turbidity on fish is based on analyses presented in the Essential Fish Habitat Assessment contained in Appendix R of the Final EIS. This evaluation was prepared in consultation with NMFS.

820-40: As noted in the Section 5.1.3 of the EIS and other similar sections, the impacts of suspended sediment deposition would not be significant because suspended sediment concentrations well below thresholds (based on accepted suspended sediment modeling) in average waterbody currents and tides of less than 3 miles (5 km) per hour would be redeposited immediately upstream or downstream of the site of sediment disturbance. In Lake Champlain, the model results show higher deposition values in areas of the lake where the bathymetry has local depressions. At no point does the depth exceed 3 millimeters (mm). Sediment deposition in the southern part of Lake Champlain would be substantially lower than the rest of the lake because the sediment resuspension caused by shear plow installation would be lower than by water jetting installation. Therefore, such an additional level of analysis is not warranted. Impacts of sedimentation on the aquatic community are summarized in EIS Section S.8.4, and are provided in greater detail in EIS Sections 5.1.3, 5.3.3, and 5.4.3.

820-41: See response to Comment 820-03.

DEIS, there has been no investigation as to the long-term temperature impacts of the perpetual addition of heat. Increased temperatures can cause modifications to the character of deposited metals and volatile organic compounds, potentially creating spontaneous mobilization and unanticipated chemical reactions.

The introduction of a non-dissipating magnetic field via HVDC cable to environments that are potentially contaminated with a myriad of metals could cause spontaneous mobilization of these metals, attraction to and agglomeration on the transmission cable, and the potential and unexpected corrosion and/or deterioration of the protective surface of the transmission line. The magnetic field may also cause an electrostatic agglomeration of sediments and contaminants, increasing localized concentrations that may result in exceedances of state and federal water quality criteria.

In Section 5.1.4 of the DEIS, the proponent cites two documents (Fisher and Slater 2010; Cada et al. 2011) as evidence that high magnetic field strengths did not elicit "effects" on several aquatic species. First, Fisher and Slater (2010) is a synthesis report, so it would have been appropriate to examine the primary literature so that experimental design could have been considered. Cada et al. (2011) was reporting on a toxicological experiment designed to evaluate mortality, not to examine subtle nonlethal effects. In addition, the magnetic field was generated by a magnet, not a current, and so did not reflect conditions that would occur in the vicinity of an energized underwater cable.

Also in Section 5.1.4 of the DEIS, discussion of potential effects on Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*) and Shortnose Sturgeon (*Acipenser brevirostrum*) was based on studies of exposure to magnetic fields generated by AC cables. Given that the physics of AC current are different from DC current in that AC currents reverse roughly 60 times per second whereas DC current flow continuously in one direction, the ability of organisms to sense the resultant magnetic fields differs as well (Normandeau, et al. 2011). The use of studies designed to examine mortality during exposure to AC magnetic fields do not provide sufficient evidence needed to conclude that exposure to DC magnetic fields would have no impact on these two federally-listed endangered species.

The DEIS discussion on induced electric fields is incomplete. First, any movement through a magnetic field, whether it be a water current, a particle, or large object (e.g., fish or vessel), induces a secondary electric field. It is not restricted to electrosensitive organisms as suggested in the DEIS. Although Section 5.3.4 directs the reader to Section 5.3.5 for discussion on the effects of induced electric fields on sturgeon, in fact, there is no discussion in the latter section other than a dismissal of the issue and a referral back to Section 5.1.5. In turn, Section 5.1.5 provides no substantive additional information and concludes that "the current state of knowledge about the magnetic fields emitted by aquatic transmission lines and induced electric fields is sometimes considered too variable and inconclusive to make an informed assessment of the effects on these species (Cada et al. 2011)."

The DEIS does not make a strong enough case to dismiss exposure to EMF as a source of impact to the two species of sturgeon that use the Hudson River segment for critical stages in their life cycle. By incorporating information on AC currents without clearly acknowledging how they differ from the DC currents that would flow through the CHPE aquatic cable, the DEIS clouds the issue.

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820-42: Based on comments received on the DEIS, additional analyses of the potential impact of magnetic fields and induced electric fields on aquatic species including Atlantic and shortnose sturgeon have been included in Section 5.3.5 of the Final EIS and in the BA included as Appendix Q. These analyses demonstrate that the potential effect of magnetic fields or induced electric fields on fish or their prey would not be significant.

820-43: See response to Comment 820-18.

2.3 Groundwater Quality

The DEIS acknowledges (1) the possible necessity to use blasting to penetrate bedrock, and (2) that "(b)edrock blasting has the potential to increase bedrock fracturing near the blasting zone". The associated conclusion that "(b)lasting could result in changes in local hydrology and temporarily increased levels of turbidity in nearby groundwater wells" greatly underestimates the potential adverse impact of blasting. For example, the inclusion of the statement that "short-term impacts on groundwater quality could occur if blasting of bedrock is required" should be adequate recognition that such activities should not be permitted. The DEIS further acknowledges that "drilling fluid would be used and has the potential to percolate to groundwater", which is an indication that blasting of bedrock may cause an immediate threat to human health. Moreover, the DEIS acknowledges that "the bentonite clay particles would become trapped, through absorption, by the soil and would aggregate within soil pore spaces" but then offers no explanation of the long-term impact of such an occurrence. Indeed, it is highly likely that soil permeability will be reduced and diminished groundwater recharge capacity will occur, resulting in adverse impacts to groundwater resources that may extend in perpetuity.

2.4 Hazardous Waste

In addition to the potential mobilization of hazardous substance discussed above, the use of horizontal directional drilling (HDD) at the entry and exit points to the river utilizes hazardous materials, as acknowledged by the DEIS. The US EPA and many state environmental agencies have issued guidance documents regarding how to manage inadvertent discharges from HDD, illustrating the real potential for such an unauthorized discharge. These agencies recommend that use of HDD in wetlands and sensitive ecological systems should be avoided due to the potential for irreparable impacts. As indicated in the DEIS, several wetlands and other sensitive ecological systems will be encountered during the installation, operation, and maintenance of the transmission line, suggesting that there could be unauthorized discharge of hazardous materials in these sensitive areas.

The DEIS indicates that the applicant will be issuing a Spill Prevention, Controls, and Countermeasures (SPCC) Plan and/or an Environmental Management and Construction (EM&C) Plan prior to commencing installation of the transmission line. The DEIS states that "visual and operational monitoring" will be associated with the program, which indicates that subjective and fallible human observation will be the stop-gap measure employed by the contractors to detect "excessive loss of volume or pressure", which is not a "Best Management Practice (BMP)". The contractor will use judgment - not specified volume or pressure metrics - to determine whether a response would be triggered.

The cofferdams to be constructed around the HDD exit areas will be designed to contain certain fluids, including "hazardous materials and petroleum products such as gasoline, diesel, oils, hydraulic fluids, and cleaners", meaning that the applicant has an expectation that drilling fluids will be discharged to the environment. However, there are no pre-defined clean-up activities associated with these anticipated discharges, which suggests that the discharges will be addressed *ad-hoc*, and, despite the presence of a barge to collect fluids, there is no explanation of how the contractor will determine scientifically that discharged fluids have been collected, which does not constitute a "Best Management Practice".

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820-44: The comment is speculative and the analysis in Section 5.2.3 of the EIS is considered sufficient. Also see response to Comment 820-14.

820-45: As cited in the Draft EIS, the HDD operations would use a non-hazardous bentonite clay mixture during the drilling operations, which would be conducted in accordance with the terms of the NYSPSC Certificate, the Section 401 Water Quality Certification, and the USACE Section 10/404 permit.

820-46: See response to Comment 820-28.

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820-47: The comment uses the phrase "hazardous materials and petroleum products such as gasoline, diesel, oils, hydraulic fluids, and cleaners" out of context. The Draft EIS only used this phrase to indicate that these materials would be used during normal transmission line installation activities, such as in the operation and maintenance of equipment and vehicles. The Draft EIS did not suggest that these hazardous materials would be released into the cofferdam during HDD operations. It is anticipated that only drilling mud and sediment from water-to-land HDD transitions would be released into the water column. As per industry BMPs, and in accordance with NYSDEC and USACE guidance, a full cofferdam enclosure would be constructed around the drill exit point to contain any release of mud and sediment. In addition, a floating silt curtain would be employed around the cofferdam to ensure that any releases of mud or sediment that escape the cofferdam would be contained to the work area. These BMPs are appropriate for preventing drilling mud and sediment releases, and would avoid and minimize any potential impact during HDD operations.

Despite the inclusion of the information on activities proposed by the applicant (in Appendix G of the DEIS, DOS 2013), there is no ability to assess if those measures will be adequate to completely mitigate the potential for increased risk or remediate any unauthorized release. As each SPCC (or EM&CP) is site-specific, each should be prepared and submitted based on scientifically measurable parameters for the installation, operation, and maintenance of the transmission line prior to the issuance of a permit for construction. Moreover, since the activities will be conducted upon public lands, these documents should be made available for public review.

3.0 Aquatic Ecosystem

This section examines the 88 miles of the CHPE Project referred to as the Hudson River Segment that is located on or under the substrate in the Hudson River Estuary between Catskill and New York City. Mile Points (CHPE MPs) designated along the CHPE Project route are measured from the New York-Canadian Border at CHPE MP 0 to New York City at CHPE MP 336. The submerged or aquatic section of the CHPE Project route enters the Hudson River Segment at CHPE MP 228 and continues along the bottom of the Hudson River Estuary downstream (south) for 67 miles to Stony Point (CHPE MP 295) where it exits the river on the west side. The CHPE Project runs overland to avoid the Haverstraw Bay SCFWH, re-enters the Hudson River Estuary at CHPE MP 303, and continues south along the bottom of the Hudson River for another 21 miles until it reaches the end of the Hudson River Segment at Spuyten Duyvil Creek (CHPE MP 324). From there it enters into the Harlem River for 6.58 miles, goes overland in the Bronx (CHPE MP 330) and finally enters the East River briefly before exiting at the terminal Luyster Creek Converter Station (CHPE MP 332).

3.1 Hudson River Estuary Background

The Hudson River Estuary consists of the tidal waters s from the Federal Dam at Troy, NY to the Verrazano Narrows in New York City. The tidal Hudson River possesses regionally and globally rare communities in one of the largest freshwater tidal river systems in the northeastern United States. The estuary supports nearly 100 species of special emphasis, including federally and state-listed endangered or threatened species of fish, birds, and plants. It is a spawning and nursery ground for commercially and ecologically important fish and shellfish species such as Striped Bass (*Morone saxatilis*), American Shad (*Alosa sapidissima*), Alewife (*Alosa pseudoharengus*), and Blueback Herring (*Alosa aestivalis*) (Alewife and Blueback Herring are referred to collectively as "river herring"), and Blue Crab (*Callinectes sapidus*). In addition, it hosts two endangered fish species, the Atlantic Sturgeon and Shortnose Sturgeon, and nesting bald eagles (*Haliaeetus leucocephalus*).

The Hudson River Estuary is highly diverse, and more than 200 species of fish have been recorded within the estuary and is tributaries (Daniels et al. 2005; Levinton and Waldman 2006). The only freshwater tidal wetlands in the state of New York occur in the Hudson River Estuary. It is a unique and valuable state and local resource, and has been recognized as such by the NYSDEC New York Natural Heritage Program, which identified numerous sites with rare plant and animal species and exemplary ecological communities. Recognizing the river's wealth scientifically, the Hudson River National Estuarine Research

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820-48: EIS Appendix G includes BMPs and mitigation measures that were incorporated into the EIS analysis and that formed part of the basis for the finding that no significant environmental impact would occur during construction or operation of the proposed CHPE Project. Additional detailed construction and operational BMPs would be developed prior to construction by the Applicant when more site-specific information is available, and made available to regulatory agencies and the public for review and comment as part of the EM&CP. Also see response to Comment 820-15.

Reserve was established to "[i]mprove the health and vitality of the Hudson River Estuary by protecting estuarine habitats through integrated education, training, stewardship, restoration, and research programs." Nearly 5,000 acres of tidal wetlands and upland buffer represent the diverse plant and animal communities of the Hudson River National Estuary Research Reserve, which is headquartered at Norrie Point within the Mills-Norrie State Park, and include the Stockport Flats in Columbia County, Tivoli Bays in Dutchess County, Piermont Marsh and Iona Island in Rockland County. In addition, the New York Department of State (NYDOS) has designated numerous SCFWHs in areas that provide living and feeding areas for organisms in the estuary (see Section 3.2).

The wealth of knowledge and resources provided by the Hudson River Estuary makes it both important and unique. While the impacts as summarized in the DEIS are largely considered to be temporary, the CHPE Project is of a substantial magnitude. Further explanation of environmental reasoning behind the rejected overland alternatives is needed to justify such a large-scale impact to the Hudson River Estuary.

820-49

3.2 Significant Coastal Fish and Wildlife Habitats

The NYDOS Office of Communities and Waterfronts has identified several SCFWHs along the length of the Hudson River. NYSDEC also identified certain "exclusion zones" in the Hudson River during the N.Y. *Public Service Law* Article VII review process conducted at the State level.

The CHPE Project footprint and dredging plan illustrate how the project will encounter each SCFWH in the Hudson River from Catskill to Manhattan. A total of five different SCFWHs are directly transgressed by the CHPE Project. They are, from north to south, Catskill Creek, Esopus Estuary, Kingston-Poughkeepsie Deepwater Habitat, Hudson Highlands, and Lower Hudson Reach. Based on plan view maps provided in Attachment 3 of the USACE public notice, approximately 36 miles of SCFWH will be directly impacted, which is 40 percent of the total length of the project's Hudson River reach including the Harlem and East Rivers (88 miles, Table 1).

820-49: Such reasoning is sufficiently provided in the alternatives analysis from the Applicant's CWA Section 404 Permit Application. The analysis is also provided in EIS Appendix B.

Table 1. DEIS and Army Corps In-Water Impacts to Significant Coastal Fish and Wildlife Habitats (SCFWH) Identified Within the Entire Hudson River Segment of the CHPE.

SCFWH Name	Approx. Location (CHPE MP)	Approx. Location (HRM)	Approx. Length (Mi)	Length of Impact (Ft)	Temporary Impact[3]		Permanent Impact	
					(Sq. Ft)	(Acres)	(Sq. Ft)	(Acres)
Catskill Creek[1]	221.4	112	0.06	317	4,755	0.1	-	-
Esopus Estuary	232.5-236	99-103	3.5[2]	18,480	277,200	6.4	-	-
Kingston-Poughkeepsie	244-270	65-92	6.0[2]	31,680	475,200	10.9	307,977	7.1
Hudson Highlands	276-295.7	40-60	19.7[2]	104,016	1,560,240	35.8	239,277	5.5
Lower Hudson Reach	317-324	0-22	7.0[2]	39,960	554,400	12.7	13,117	0.3
Total SCFWH[5]	-	-	**36.3**	**191,453**	**2,311,424**	**53.1**	**560,371**	**12.9**
Total Hudson River Reach (including Harlem and East Rivers)	-	-	**88.5**	**467,280**	**7,357,860[6]**	**168[6]**	**1,107,668[4]**	**25.4[4]**

1 Source: CHPE 2012e. Revised Wetland Delineation Report, Table 4-2.

2 Source: CHPE 2012f. Length of CHPE Project cable through SCFWH measured from "Plan View Maps – Submarine Route."

3 Assumed jet plow impact zone width of 15 feet as used by CHPE in impact calculations (DOE 2013).

4 Source: CHPE 2012c. Tables 5.1-3 and 5.1-4. The values in these tables differ from what is presented in the Public Notice (USACE 2013) and we were unable to determine how the 8.8 acres of permanent impact was derived. The area of Hudson River impact based on Table 5.1-4 "Locations of non-burial cable installation and associated area of impact and volume of permanent fill" is much greater (25.4 acres) than the value given in the Public Notice table "Obstacles encountered: impacts from non-cable burial along the submarine route."

5 Square foot and acre values do not sum within this table because permanent impacts were estimated by subtraction from total impacts in each SCFWH.

6 The values for total Hudson River (including Harlem and East Rivers) temporary impacts were taken from the tables labeled "Impacts from In-Water Cable Burial" from the CHPE Project Description and Purpose (CHPE 2012d) and Public Notice (USACE 2013). Some of these values could not be reproduced here based on the information contained within the table, and therefore the source documents are believed to contain errors which should be reconciled before the Project moves forward.

Coastal Fish and Wildlife assessment documents created for each SCFWH assess criteria including ecosystem rarity, species vulnerability, human use, population level, and replaceability. Each of these five SCFWHs was declared unique and valuable for protection, and the NYDOS has routinely advised that SCFWHs should be avoided during construction. Where avoidance of SCFWHs is impracticable, DOS requests siting of any new disturbance within areas that are previously disturbed including dredged navigation or other channels. The proposed CHPE Project cable line does not appear to have been routed through previously disturbed areas except at roughly CHPE MP 239 near the town of Ulster, NY.

The CHPE Project includes both temporary disturbance of and long-term permanent impact on these important areas described above. The criteria used to determine practicability and the results of the required habitat impairment tests presented in the DEIS are ambiguous and do little to quantify the net ecological impacts on the affected SCFWH compared to the rejected overland alternatives. The areas impacted as stated in these comments were calculated based on information found in the DEIS and supporting documents, but nowhere

820-50 **820-50:** See response to Comment 820-10.

820-51 **820-51:** See response to Comment 820-10.

in the available public record are these values made clear. A more thorough quantification and assessment of the impacts on SCFWH in the Hudson River by the CHPE Project is needed. Each of these five SCFWHs is discussed below in more detail to illustrate their features and ecological factors that were either overlooked or deemphasized in the DEIS and 404 Application.

3.2.1 Catskill Creek SCFWH

The Catskill Creek SCFWH is located in the town of Catskill, on the west side of the Hudson River. An important feature of the riverine habitat is 1.2 kilometers (0.75 mile) of Kaaterskill Creek to the first impassable fish barrier, which provides spawning habitat for Alewife, Blueback Herring, White Perch (*Morone americana*), and resident Smallmouth Bass (*Micropterus dolomieu*) and Largemouth Bass (*Micropterus salmoides*), because it is more accessible than other streams in the area. These species and others including Sea Lamprey (*Petromyzon marinus*), American Shad and Striped Bass can also be found spawning throughout other areas of the Catskill Creek SCFWH in April-August. There are also several beds of submerged aquatic vegetation (SAV) in this habitat that provide food and shelter for fish and invertebrates, and a number of threatened and endangered plant species can be found in its wetlands. At least ten reptile and amphibian species are found in the Catskill Creek area. Freshwater recreational fisheries, birdwatching and nature studies are listed as human benefits.

The NYDOS SCFWH assessment for Catskill Creek warns against any activities that would substantially degrade water quality, increase turbidity or sedimentation, or alter flows, temperature or water depths. Based on the DEIS and 404 Application, the CHPE Project will temporarily impact 0.11 of the 156 acres of the Catskill Creek SCFWH (Table 1). Some of these impacts may include degradation of water quality, increased turbidity or sedimentation, and an altered temperature or water depth due to cable construction and operation. While the area impacted in Catskill Creek SCFWH is small, these impacts will occur in strict opposition to the protection of SCFWH as required by the NYDOS.

3.2.2 Esopus Estuary SCFWH

The Esopus Estuary SCFWH is located at the mouth of the Esopus Creek, a major tributary to the upper Hudson River estuary. It is a tidal wetland complex encompassing the lower two (2) kilometers (1.3 miles) of Esopus Creek to the first barrier, and extensive unique wetlands habitats. These habitats are important spawning, nursery, and feeding areas for anadromous fish including White Perch, American Shad, Alewife, Blueback Herring, and Rainbow Smelt (*Osmerus mordax*). They also provide habitat for resident and coastal migratory species like Smallmouth and Largemouth Bass, Striped Bass and American Eel (*Anguilla rostrata*). Deepwater areas near the mouth of Esopus Creek provide important post-spawning and overwintering habitat for Shortnose Sturgeon, and both sturgeon species (Atlantic and Shortnose) use the area as a thruway for their migrations.

Estuarine-dependent and marine species are also found in the Esopus Creek SCFWH, including Atlantic Silverside (*Menidia menidia*), Bay Anchovy (*Anchoa mitchilli*), Bluefish (*Pomatomus saltatrix*), Weakfish (*Cynoscion regalis*), and Hogchoker (*Trinectes maculatus*). This stretch of the river contains several sites that appear to be important for overwintering Shortnose Sturgeon. The deepwater habitat extends right up to the shorelines in this

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820-52: Potential impacts to the five SCFWHs cited were addressed in EIS Sections 5.3.4 and 5.3.5. As noted in these sections, the potential for impact to each SCFWH would be minor, and the transmission line installation has been approved by the New York State agencies with jurisdiction over SCFWH areas. The NYSDOS and the NYSDEC have approved the CHPE Project installation in the SCFWHs through the issuance of the NYSPSC Certificate for the proposed CHPE Project, the Coastal Consistency Determination, and the issuance of a Section 401 Water Quality Certification.

820-53

820-53: As described in EIS Section 5.2.4, the crossing of Catskill Creek and its associated SCFWH by the transmission line would be accomplished by HDD and no impact to the SCFWH would occur.

SCFWH, railroads run along both shorelines, and there are only small areas of marsh and flat habitat behind the railroad. The only sizable marsh is found behind the railroad tracks on the east side of the river at Crum Elbow.

The tidal freshwater wetlands surrounding Esopus Creek provide important feeding and resting habitat for migrating waterfowl and osprey. Submerged aquatic vegetation beds provide food and habitat for fish, invertebrates, amphibians, and birds. The wetlands contain several rare plant species including heart-leaf plantain (*Plantago cordata*), kidneyleaf mud-plantain (*Heteranthera reniformis*), and spongy arrowhead (*Sagittaria montevidensis* var. *spongiosa*). Human value from Esopus Creek SCFWH comes from recreational fishing, waterfowl hunting, and birdwatching opportunities.

The NYDOS SCFWH assessment for Esopus Creek warns against any activities that would substantially degrade water quality, increase turbidity or sedimentation, or alter flows, temperature or water depths. Based on the DEIS and 404 Application, the CHPE Project will temporarily impact 6.4 of the 970 acres of the Esopus Creek SCFWH (Table 1). Some of these impacts may include degradation of water quality, increased turbidity or sedimentation, and an altered temperature or water depth due to cable construction and operation. While the area impacted in Esopus Creek SCFWH is small, it is still proposed in strict opposition to the protection of SCFWH as required by the NYDOS.

3.2.3 Kingston-Poughkeepsie Deepwater SCFWH

The Kingston-Poughkeepsie Deepwater habitat (sometimes referred to as two separate habitats, Kingston and Poughkeepsie) is a 40.2-kilometer (25-mile) stretch of the river from Kingston Point to Rhinecliff. It is the northernmost section of deepwater habitat in the Hudson River Estuary and contains a nearly continuous deepwater section, with depths ranging from 9 meters (30 feet) to as much as 30 meters (100 feet). Dense saline bottom waters abundant here are important to the federally listed endangered Atlantic and Shortnose Sturgeon as overwintering habitat. The area represents the upper limits of the saltwater reach of the estuarine Hudson River, and a host of estuarine-dependent and marine species are found in this area, including Atlantic Silverside, Bay Anchovy, Bluefish, Weakfish, and Hogchoker. Many of these species are commercially important and this area is believed to contribute directly to production of in-river and ocean populations of food, game, and forage fish species. In addition, many other freshwater and brackish fish species are found here, along with Blue Crab and migratory waterfowl.

The NYDOS SCFWH assessment for the Kingston-Poughkeepsie Deepwater habitat warns against any activities that would substantially degrade water quality, increase turbidity or sedimentation, or alter flows, temperature or water depths. Based on the DEIS and the 404 Application, the CHPE Project will temporarily impact 10.9 of the 6,350 acres of the Kingston-Poughkeepsie Deepwater SCFWH, and in addition, this habitat would experience permanent impacts totaling 7.1 acres (Table 1). Some of these impacts may include degradation of water quality, change in bottom substrate, increased turbidity or sedimentation, and an altered temperature or water depth due to cable construction and operation. While the area impacted in the Kingston-Poughkeepsie Deepwater SCFWH is relatively small, it is still proposed in strict opposition to the protection of SCFWH as required by the NYDOS.

820-54 **820-54:** As noted in the comment and in EIS Section 5.3.4, the potential for impacts to the Esopus Creek SCFWH would be minor, and the proposed CHPE Project has been approved by the New York State agencies with jurisdiction over SCFWHs. The NYSDOS and the NYSDEC have approved the proposed CHPE Project installation in the SCFWH areas through the issuance of the NYSPSC Certificate, the Coastal Consistency Determination, and the issuance of a Section 401 Water Quality Certification.

820-55 **820-55:** See response to comment 820-54, which also applies to the Kingston-Poughkeepsie Deepwater SCFWH.

3.2.4 Hudson Highlands SCFWH

The Hudson Highlands SCFWH is a swift, narrow, and deep portion of the Hudson River estuary that was recently (August 2012) expanded from encompassing HRM 44 (Jones Point) through HRM 56 (Storm King Mountain) to now include the reach of the river running from Denning's Point (HRM 60) on the north down to Stony Point (HRM 40). [As noted in the Comments to which this Report attached, Entergy is currently challenging in court the designation of the four-mile stretch of the Hudson River Estuary adjacent to Indian Point as an extended part of the Hudson Highlands SCFWH, and nothing in this Report should be deemed a waiver of its position in that proceeding.] The physical attributes of the Hudson Highlands SCFWH contribute to a rocky bottom substrate, which in turn provides highly favorable conditions for Striped Bass spawning each spring. This is also an important part of the migratory route for Atlantic and Shortnose Sturgeon, and provides habitat for freshwater, brackish, and marine species depending on the location of the salt front. In addition, a large overwintering population of bald eagles is found in this reach of the river. The Hudson Highlands SCFWH contributes directly to the populations of commercially and recreationally important fish species, and recreational fishing is a popular activity here.

The NYDOS SCFWH assessment for Hudson Highlands habitat warns against any activities that would substantially degrade water quality, increase turbidity or sedimentation, or alter flows, temperature or water depths. Based on the DEIS and the 404 Application, the CHPE Project will temporarily impact 35.8 acres of the 6,350 acres of the Hudson Highlands SCFWH, and another 5.5 acres will be permanently impacted (Table 1). Some of these impacts may include degradation of water quality, change in bottom substrate, increased turbidity or sedimentation, and an altered temperature or water depth due to cable construction and operation.

New information reveals that the upper reaches of this SCFWH (approximately HRM 53-59) are also a critical overwintering habitat for juvenile sturgeon of both species, but particularly for juvenile Atlantic Sturgeon. This new information is found in a report submitted to the National Marine Fisheries Service (NMFS) on behalf of Entergy to describe the "take" of Atlantic and Shortnose Sturgeon while performing the Hudson River Biological Monitoring Program (HRBMP) during the period 29 August 2012 through 28 August 2013 (Normandeau 2013a).

The HRBMP is a continuing and extensive annual biological monitoring program that has been performed for more than four decades to assess potential impacts of cooling water withdrawals from electric power generating stations (including Indian Point) on the Hudson River ecology. The present HRBMP consists of four discrete fisheries sampling programs that have been developed under the oversight, and with the input, of regulators including the NYSDEC. Conducting the HRBMP is an annual requirement of the current State Pollutant Discharge Elimination System ("SPDES") water withdrawal and discharge permit for Indian Point. The four fisheries sampling programs comprising the current HRBMP are the Long River Ichthyoplankton Survey, Fall Juvenile Survey, Beach Seine Survey, and Striped Bass/Atlantic Tomcod Mark/Recapture Survey. Fisheries sampling is scheduled in each month of the year by one or more of these four programs in the Hudson

River Estuary from the Battery in Lower Manhattan (HRM 0) to the Troy Dam near Albany (HRM 152).

Shortnose Sturgeon and Atlantic Sturgeon are occasionally collected while performing the HRBMP. The incidental collection and handling of these two sturgeon species during performance of the current HRBMP is permitted under the provisions of NMFS Permit to Take Protected Species for Scientific Purposes No. 17095-01 and NYSDEC Permit No. 313. One program in particular, the Fall Juvenile Fish Survey, has been independently verified to provide a valuable index of the abundance and distribution of juvenile sturgeon in the Hudson River Estuary (Woodland and Secor 2007). The primary objective of the Fall Juvenile Survey is to determine the seasonal occurrence, abundance, and distribution of juvenile (young of the year, or "YOY") fish in the 152 mile portion of the Hudson River estuary between Battery Park at the southern tip of Manhattan and the Troy Dam above Albany. Sampling is performed during 8 to 12 alternate weeks spread between early July and late October of each year. About 200 samples per week are collected at randomly selected tow paths allocated among 13 geographic regions and three depth strata. The present Fall Juvenile Fish Survey is a massive biological monitoring program that is unprecedented in the combined within-year temporal, spatial and geographic extent for the number of consecutive years of sampling. Annually, the Fall Juvenile Fish Survey collects about 2,050 samples per year, and identifies and enumerates all fish caught, with more than 66,000 samples collected and analyzed during the 1979-2013 period.

The 2012-2013 HRBMP collected a total of 121 Atlantic Sturgeon and 57 Shortnose Sturgeon during the one-year period from 29 August 2012 through 28 August 2013, and these sturgeon were caught primarily in 3-m beam trawl samples deployed to collect fish living directly (i.e., within 0.7 meters or 2 feet) in association with the river bottom substrate at randomly selected locations throughout the Hudson River Estuary. When the GPS locations of trawl samples catching sturgeon are overlaid on the maps of the CHPE Hudson River Segment transmission line route (Figure 1), it is apparent that more than half (65 fish or 54%) of the total catch of 121 Atlantic Sturgeon came from the upper portion of the Hudson Highlands SCFWH located between Denning's Point and Constitution Island (HRMs 53-59; CHPE MPs 277-283). More importantly, nearly all of these juvenile Atlantic Sturgeon (52 fish out of 65 fish or 80%) came from just one mile of the Hudson Highlands SCFWH (HRM 55; CHPE MPs 280-281) adjacent to Storm King Mountain that is directly in contact with the substrate along the proposed route of the CHPE transmission line (Figure 1). Nearly all of the juvenile Atlantic Sturgeon caught during 2012-2013 from the Hudson Highlands SCFWH near Storm King Mountain were caught during the late summer and fall, indicating that this area is an important and previously undiscovered overwintering habitat for juvenile Atlantic Sturgeon. Thus, any cable embedment activities should avoid this location and sensitive time period to protect the sturgeon. Shortnose Sturgeon also inhabit the same upstream portion of the Hudson Highlands SCFWH as evident by their catch in the 2012-2103 HRBMP (Figure 1). Based on these new observations, in conjunction with the uncertainties about operational EMF and construction impacts on these two federally-listed endangered sturgeon species (Section 2.2 above), and the exact spatial juxtaposition of both overwintering juvenile Atlantic Sturgeon and the CHPE Project transmission corridor, we conclude that at least the upper portion of the Hudson Highlands SCFWH should be avoided by an overland route to protect the sturgeon.

820-56

820-56: As documented in its BA and in EIS Section 5.3.5, in consultation with NMFS, DOE has concluded that the proposed CHPE Project may affect, but is not likely to adversely affect, the shortnose sturgeon or the Atlantic sturgeon. DOE has also concluded that an overland route avoiding this area of the river is not a reasonable alternative (See EIS Section 2.5.2).

3.2.5 Lower Hudson Reach SCFWH

The Lower Hudson Reach extends from Battery Park to Yonkers, and is considered one of the New York City SCFWHs. The shoreline in this area has been extensively altered, but its status as one of only a few large tidal river mouth systems in the northeastern US makes it unique and important habitat. The Lower Hudson Reach is characterized by a wide range of salinities and by the seasonal influx of large volumes of freshwater flowing from the Hudson River, especially from fall through spring. The area is a very important feeding and overwintering area for juvenile Striped Bass, which feed on abundant zooplankton near the salt front. Other important fish species including Summer Flounder (*Paralichthys dentatus*), White Perch, Atlantic Tomcod (*Microgadus tomcod*), Atlantic Silverside, Bay Anchovy, Hogchoker and American Eel use this area of the estuary, as well as Shortnose and Atlantic Sturgeon. This habitat also plays an important role for Blue Crabs and waterfowl. Based on information in both the DEIS and the 404 Application, the CHPE Project would have a temporary impact of 12.7 acres in the Lower Hudson Reach SCFWH, with approximately 0.3 acres of permanent impact (Table 1). Some of these impacts may include degradation of water quality, increased turbidity or sedimentation, change of bottom substrate, and an altered temperature or water depth due to cable construction and operation. While the area impacted in Lower Hudson Reach SCFWH is relatively small, it is still proposed in strict opposition to the protection of SCFWH as required by the NYDOS.

820-57

820-57: As noted in the comment, the potential for impact to this SCFWH would be minor, and the transmission line installation has been approved by the New York State agencies with jurisdiction over SCFWHs. The NYSDOS and the NYSDEC have approved the proposed CHPE Project installation in the SCFWHs through the issuance of the NYSPSC Certificate, the Coastal Consistency Determination, and the issuance of a Section 401 Water Quality Certification.

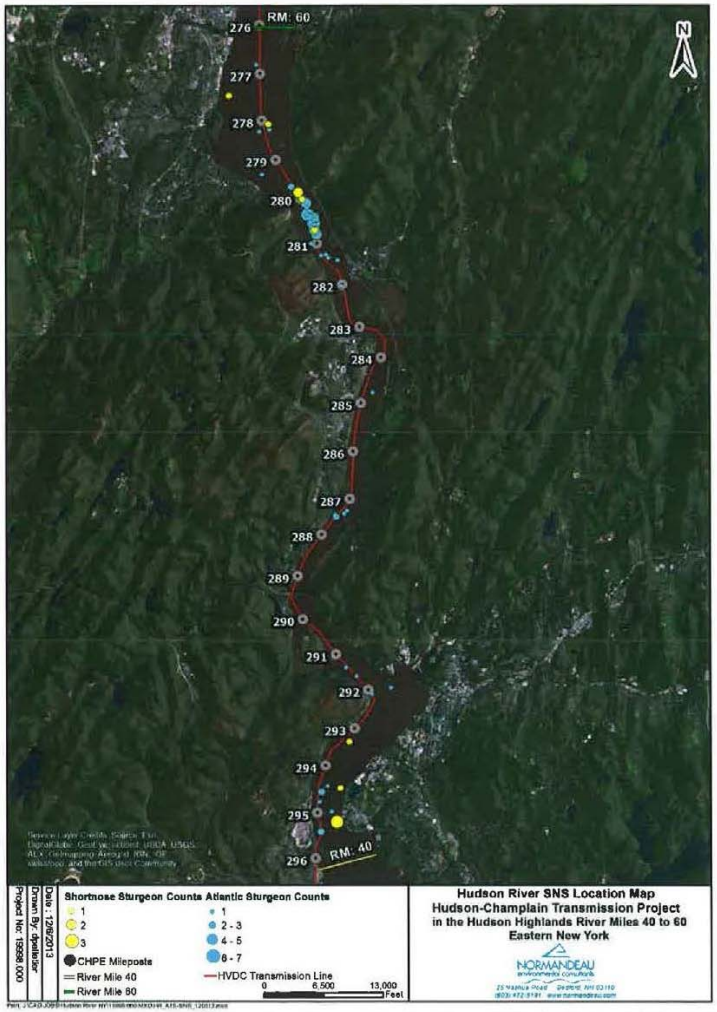

Figure 1. Trawl sampling locations from random locations within the Hudson Highlands SCFWH of the Hudson River Estuary where juvenile Atlantic Sturgeon and Shortnose Sturgeon were caught by the HRBMP during 29 August 2012 through 28 August 2013 in relation to the proposed CHPE Project transmission cable route.

3.3 Construction Impacts

3.3.1 Jet Plow Entrainment

Both the CHPE Project DEIS and USACE Public Notice (NAN-2009-01089-EYA) state that "the proposed method for laying and burial of a majority of the underwater HVDC cable is the plow/water jetting embedment process." In-water cable burial impacts will include 185.8 miles of installation in Lake Champlain, the Hudson River, the Harlem River, and the East River. The DEIS indicates that installation of HVDC cable in an aquatic environment proceeds at approximately one to three (1-3) miles per day. Assuming this rate of cable embedment is correct, aquatic installation of the HVDC cable within the 88 miles of the Hudson River Segment will encompass anywhere between 29 and 88 days of habitat disturbance due to jet plowing activities in the benthic substrates. Although these trenches are considered a temporary impact and part of the BMP, jet plowing activities have direct impacts on fish spawning and foraging activities, planktonic eggs and larvae (ichthyoplankton), and zooplankton found in the water column as a function of increased turbidity, and benthic macroinvertebrates, as a function of direct disturbance, burying, or sedimentation in adjacent substrates. While these impacts may be negligible for certain embedment activities, the magnitude of the CHPE Project suggest otherwise.

Effective use of the jet plow ("water jet," "hydraulic plow") construction technique is dependent upon the requisite information being available to understand potential aquatic impacts. However, there is too much uncertainty in the application to establish that the process is or can be properly used for the CHPE Project to minimize impacts. For instance, it is unclear where in the water column the inlet siphon for the jet plow would withdraw water, whether it will entrain demersal or pelagic fish eggs or both, and whether the time period for in-river construction will avoid all stages of ichthyoplankton. The jet plow method is not likely to significantly impact adult or juvenile fish on a long-term basis because they will likely avoid the suction current during construction and therefore not be subject to impingement or entrainment by the jet plow water withdrawal currents.

The Long River Survey ("LRS") is part of the HRBMP that was initiated in 1974 and annually monitors the seasonal abundance and distribution of ichthyoplankton weekly or biweekly during the months of March through November at randomly-selected stations throughout the entire Hudson River Estuary. Results of each annual survey are presented to NYSDEC and other agencies in a document referred to as a "Year Class Report". In the most recent year available (the 2011 Year Class Report), fish eggs and larvae from at least seven important fish species identified from the SCFWH designations were present and often abundant within the Hudson River Estuary from July to November (ASA 2013; AKRF 2013; Normandeau 2013b; Table 2), which overlaps with the proposed in-water construction periods for the Hudson, Harlem, and East River portions of the Hudson River Segment of the CHPE Project (Table 2-2 of DEIS).

Although considered environmentally sensitive, the DEIS and 404 Application do not quantify the impacts from the use of ambient river water for jet plowing due to entrainment of river organisms including ichthyoplankton (i.e., fish eggs and larvae) and zooplankton (Reine and Clarke 1998). Entrainment is defined as the direct uptake of aquatic organisms by a suction field, and may result in injury or mortality due to mechanical damage when drawn into, and passed through the water jet. While the DEIS claims that the project

820-58

820-59

820-58: The Applicant has consulted with the NYSDOS, NYSDEC, and NMFS, and has agreed to conduct aquatic activities only during certain time periods to prevent impacts to fish spawning, planktonic eggs and larvae, juvenile fish, and fish migration. The evaluation presented in EIS Sections 5.3.4 and 5.3.5 considered the implementation of these construction windows (identified in Table 2-2 in the EIS) and other BMPs in reaching the conclusion that installation of the proposed CHPE project would not result in significant impacts on the environment.

820-59: See response to Comment 820-58.

operations have been scheduled to minimize interaction with aquatic organisms in the water column, plankton are nearly ubiquitous within the aquatic project construction zone during all portions of the construction window for the CHPE Project (Cole and Caraco 2006), and recent (2011) data shows that ichthyoplankton are present in the Hudson River throughout the range of underwater construction windows (Table 2). Therefore, jet plow cable embedment will inevitably entrain and kill an unspecified number of ichthyoplankton.

Table 2. Range and peak seasonal occurrence of Hudson River ichthyoplankton species and life stages, 1974-2011[1].

	Eggs		YSL		PYSL	
Species	Range	Peak	Range	Peak	Range	Peak
Striped bass	July-Aug	end July	July-Aug	end July	July-Sep	mid Aug
White perch	July-Sep	end July	July-Sep	end July	July-Sep	mid Aug
Atlantic tomcod	Dec-Jan	January	Feb-Apr	March	Apr-May	April
Bay anchovy	July-Oct	mid Sep	July-Nov	late Aug	Aug-Nov	mid Sep
American shad	July-Aug	mid July	July-Aug	end July	July-Sep	early Aug
Alosa spp	July-Aug	end July	July-Aug	end July	July-Sep	early Aug
Rainbow smelt	July	mid July	July	mid July	July-Aug	end July

[1]Adapted from ASA 2013, AKRF 2013, and Normandeau 2013b.

The expected impact from the loss of these organisms must be quantified in the DEIS and 404 Application and placed in perspective with other known sources of entrainment losses to fully assess cumulative impacts. A model using the volume of Hudson River water pumped per hour in hydraulic plowing and the expected hours of hydraulic plow use during construction should be developed. Such a model can be used in conjunction with available data on seasonal abundance to determine the expected losses if an overland route is not selected. Information about where in the water column (at what depth) water is suctioned for the jet plow and dimensions of the intake should also be provided and compared with the seasonal and vertical distribution of all planktonic organisms to determine the size and magnitude of organisms entrained during jet plowing activities. Entrainment of ichthyoplankton from a moving plow apparatus is particularly worrisome as many of the SCFWH the CHPE Project traverses are important nursery areas and the path may effectively siphon up large concentrations of fish eggs and larvae.

Losses of phytoplankton, macroinvertebrates such as comb-jellies (*Ctenophora spp.*), and zooplankton from the water column have the potential to directly impact populations of these species themselves, but also have indirect impacts to the local food web including commercially and ecologically sensitive species that rely on them as prey during different stages of their life history. Unlike a fixed location intake, the water entrained during jet plowing will come from a variety of diverse and sensitive habitats that are known to be important spawning and nursery areas, including SCFWHs), throughout the 88 miles of the Hudson River Segment. Because of these potential losses, this jet plow entrainment analysis should be included in both the DEIS and 404 application impact summary to determine no significant impact to Hudson River Estuary aquatic communities.

820-60 **820-60:** See response to Comment 820-39.

820-61 **820-61:** See response to Comment 820-39.

3.3.2 Recreational Fishing Data

The DEIS concludes that there will be no impact on recreational angling in the Hudson River "because vessels could either transit around the work site or use a different area of the Hudson River." This is obviously a vast oversimplification of the issue. Sedimentation will effect species, as noted above, in a manner unaddressed in the DEIS. Further, the DEIS fails to consider that the CHPE Project will require a "no anchor" corridor for its full extent in the Hudson River (88 miles by 30 feet wide), for which the responsibility of enforcement will fall on local and State law enforcement officials.

The affected environment section gives one short paragraph on Hudson River recreational fisheries, with a citation for surveys conducted in the mid-1990s. However, creel surveys conducted in 2001-2002 and 2005 for NYSDEC provide detailed information on fishing effort, catch, and characteristics of the fishery that is considerably more up to date and inclusive than what was considered in the DEIS and 404 Application (Normandeau 2007). Impacts on fisheries in the Hudson River cannot be adequately measured in the DEIS without use of more recent and complete data.

3.3.3 Riprap Mats

The DEIS and 404 Application both indicate that there will be sections of the submarine cable that cannot be buried to full depth due to obstacles such as existing infrastructure (utility lines, etc.) or surface bedrock. At these areas the project proposes to place the cable on the riverbed or at a shallower buried depth (less than four feet below the riverbed). Protective covering such as articulated concrete or riprap mats would be used to protect the cable.

Based on information from the Army Corps of Engineers Public Notice NAN-2009-01089-EYA, the use of protective coverings for the HVDC cable where underwater obstacles are encountered will result in a permanent impact to approximately 25.4 acres of habitat in the Hudson River. This value is not stated in the DEIS, nor is there provided any indication of where these areas of habitat alteration are likely to occur and their relation to SCFWH. [We approximated the value by converting the "Footprint area (sq ft)" in Table 5.1-4 of CHPE 2012d to acreage.] Some of the areas may include subsurface bedrock that prevents burial at the desired depth, which would cause loss of soft bottom habitat and replacement with protective riprap covering, resulting in a net loss of foraging habitat for Atlantic and Shortnose Sturgeon.

The use of riprap mats also has the potential to act as suitable habitat for invasive Zebra Mussels (*Dreissena polymorpha*), a mussel species introduced in 1992 that has caused significant declines in phytoplankton and zooplankton biomass due to their filter feeding activities, and has changed the foraging habits of some important fish species (e.g., Blueback Herring juveniles; Pace et al. 1998, Strayer et al. 2004). The short-term and long-term consequences of the proposed habitat alterations due to CHPE Project construction activities have not been adequately investigated for Zebra Mussels and for other, more recent invasive species, like the Asiatic clam (*Corbicula fluminea*), the Chinese Mitten Crab (*Eriocheir sinensis*) and the Asian Shore Crab (*Hemigrapsus sanguineus*). Altering the benthic habitat due to addition of rip-rap mats could encourage the establishment and expansion of these invasive species in portions of the Hudson River Estuary that are currently unsuitable because the established benthic communities are capable of repelling these invasive species.

820-62 **820-62:** See response to Comment 205-03.

820-63 **820-63:** Impacts on fisheries in the Hudson River are addressed in the EIS using best available information. The EFH Assessment, included as Appendix R to the Final EIS, provides an analysis of impacts on Magnuson-Stevens Fishery Conservation Management Act (MSA)-protected fisheries.

820-64 **820-64:** See response to Comment 204-16. Maps of the SCFWHs in relation to the transmission line route have been added to the BA.

820-65 **820-65:** See response to Comment 204-15.

3.4 Cumulative Impacts

3.4.1 Tappan Zee Bridge Project

The NYSDEC issued a permit to the New York State Thruway Authority authorizing construction of a new bridge to replace the existing Tappan Zee ("TZ") Bridge on 25 March 2013 ("the Permit"). The TZ Bridge is located within the mile-long segment of the Hudson River referred to as HRM 27. The Permit provides authorizations for the TZ Bridge construction activities beginning 25 March 2013 and continuing through 24 March 2019 under Tidal Wetlands – ECL Article 25, Section 401 Water Quality Certification – ECL Article 15, and Endangered/Threatened Species (Incidental Take) – ECL Article 11.

The Permit requires, among other things, implementation of an Endangered and Threatened Species Mitigation Plan ("ET Mitigation Plan") for the TZ Bridge Construction Project ("the TZ Bridge Project"), consisting of the following seven (7) activities to insure the project will proceed with a Net Conservation Benefit to the Shortnose and Atlantic Sturgeon within the Hudson River Estuary:

1. Mapping of benthic habitat that could be used by both sturgeon species for 152 miles of the Hudson River from NY Harbor to Troy.
2. Study of the foraging habits of each life stage of both species of sturgeon so that their diet can be linked to use of the benthic habitats mapped for foraging within the entire Hudson River Estuary.
3. Tagging of Shortnose and Atlantic Sturgeon and tracking their movements so habitat use can be determined within the entire Hudson River Estuary.
4. Collection of immature and adult Shortnose Sturgeon and immature Atlantic Sturgeon during the winter months to identify important overwintering habitat throughout the entire Hudson River Estuary.
5. Collection and tagging of both sturgeon species with ultrasonic tags and passive integrated transponder tags that are compatible other research activities, and searching for tags administered by all researchers to better understand sturgeon movements and habitat use within the entire Hudson River Estuary.
6. Tracking acoustic tagged sturgeon of both species in the vicinity of the TZ Bridge Project and elsewhere to obtain knowledge of species distribution and habitat use as affected by construction activities.
7. Develop an outreach program to the commercial fishing industry with the goal of reducing the commercial by-catch of Atlantic Sturgeon in the near-shore Atlantic Ocean coastal waters.

The Permit also requires implementation of a Compensatory Mitigation Plan to mitigate impacts from the construction of the new TZ Bridge, including:

1. Re-establishment of 13 acres of hard bottom/shell oyster habitat nearby from material removed from the TZ Bridge Project.
2. Secondary Channel Restoration at Gay's Point (HRM 122).
3. Wetland Enhancement at Piermont Marsh (HRM 24, west).

4. Supplemental Habitat Replacement or Enhancement elsewhere within the Hudson River Estuary.

The new information obtained from the ET Mitigation Plan Studies represent important advances in the scientific knowledge of sturgeon habitat use within the Hudson River Estuary that must be considered before sound scientific conclusions can be reached about the nature and magnitude of impacts from the CHPE Project. It is clear that the CHPE Project DEIS and 404 Application did not consider the important new information that will be obtained by the ET Mitigation Plan for the TZ Bridge Project because these studies just began in 2013 and will conclude in 2019. However, given the coincidence of the CHPE Project and TZ Bridge Projects in time and space, the importance of the Hudson River Estuary as a special aquatic site designated by the Hudson River Estuary Management Act, and the voracity of the scientific information required by the ET Mitigation Plan for the TZ Bridge Project, conclusions of no or temporary impacts stated in the DEIS for the CHPE Project on federally listed Shortnose Sturgeon and on the Gulf of Maine Distinct Population Segment ("DPS"), New York Bight DPS and the Chesapeake Bay DPS of Atlantic Sturgeon are premature.

Both in-kind and out of-kind mitigation for endangered sturgeon species affected or potentially affected by the CHPE Project must be commensurate with the magnitude of impacts quantified. The intersection of benthic habitat disturbance along the path of the CHPE Project in the Hudson River Segment and the foraging, overwintering, spawning, nursery, and resting habitat use by each life stage (egg, larvae, juvenile, adult) of the two sturgeon species in space and time must be reconciled before scientifically valid conclusions can be reached about the magnitude of impacts. It is not scientifically credible to reach LEDPA conclusions in the DEIS or 404 Application for the CHPE Project based the "best available information" with the knowledge that significant new information was required and is forthcoming from the studies required by the ET Mitigation Plan for the TZ Bridge Project.

While the outcome of studies required by the ET Mitigation Plan of the TZ Bridge Project is not yet known, the available information suggests the scale of the CHPE Project is of a comparable relative magnitude or larger than the TZ Bridge Project with respect to the potential to impact Shortnose and Atlantic Sturgeon in the Hudson River Estuary. The TZ Bridge Project impacts are spatially constrained to a relatively short mile-long segment of the Hudson River Estuary and temporally restricted to a construction period of 6 years. Impacts are further constrained to construction periods within each year to avoid use of the habitat near the TZ Bridge Project by migrating sturgeon. Adult sturgeon, particularly the anadromous Atlantic Sturgeon, must traverse the TZ Bridge Project both when entering the Hudson River Estuary from the sea to migrate upstream and spawn in the freshwater portion, and when returning to the sea after spawning. The CHPE Project is spatially extensive within the Hudson River Segment over approximately the same construction period, and therefore has a greater potential to interact with all life stages of sturgeon than the TZ Bridge Project. Specifically, the TZ Bridge Project will disturb 139 acres of Hudson River Estuary benthic habitat due to dredging, and 107 acres of this dredged habitat will be covered with sand and stone and permanently altered during and following construction. None of the habitat temporarily or permanently disturbed by dredging for the TZ Bridge

820-66

820-67

820-66: The Tappan Zee Bridge Project Endangered and Threatened Species Mitigation Plan has not yet provided data that are useful to the proposed CHPE Project analysis in the Final EIS. Also see response to Comment 820-15.

820-67: DOE, in consultation with NMFS, has determined that the available data on the presence of Atlantic and shortnose sturgeon, and their use of the area is sufficient to reach a conclusion that the proposed CHPE Project may affect, but is not likely to adversely affect, the shortnose sturgeon or the Atlantic sturgeon. See response to Comment 820-66 regarding the mitigation plan.

Project is within a designated SCFWH. The Hudson River Segment of the CHPE Project will extend along 88 miles of benthic habitat in the Hudson River Estuary, 36 miles of which are located among five SCFWHs, temporarily disturbing an estimated total of 168 acres of aquatic benthic habitat during entrenchment by jet plowing, and permanently disturbing another 25 acres of habitat by installation of rip-rap mats (Table 1). However, this review suggests that the amount of habitat temporarily or permanently altered may both be underestimated in the DEIS when the additional impacts identified in this report are considered. Therefore, based on available quantitative estimates of the areas affected by construction and installation activities, the CHPE Project is at least comparable to the TZ Bridge construction Project, but has the potential to affect a wide variety of habitats and five SCFWHs along 88 miles of the Hudson River Estuary and should require at least comparable mitigation.

3.4.2 West Point Transmission Project

West Point Partners, LLC submitted an application to the United States Army Corps of Engineers ("USACE") dated 31 July 2013 for a Department of the Army Individual Permit for the West Point Transmission Project ("West Point Project"). This project falls under jurisdiction of the New York State Public Service Commission rather than the New York State Department of Environmental Conservation. The permit is being sought to install a buried cable system for delivery of high voltage electricity between the existing National Grid Leeds Substation (Leeds Substation) in the Town of Athens, Greene County, NY and the existing Consolidated Edison Company of New York, Inc. (Con Edison), Buchanan North Substation (Buchanan Substation) located adjacent to the Indian Point Energy Center in the Village of Buchanan, Town of Cortlandt, Westchester County, NY. For approximately 77 miles of its length, the Project will be buried under the bed of the Hudson River Estuary.

The proposed In-River Cable Route runs from the Transition Vault located in the vicinity of the Northern Landfall near HRM 118 on the west side of the Hudson River to the Transition Vault located in the vicinity of the Southern Landfall near HRM 42 on the east side of the Hudson River. The total length of the In-River Cable between these two locations will be approximately 77.6 miles. The large majority of this cable will be embedded into the river bottom by hydraulic jetting.

The permit requests authorization for the West Point Project construction activities beginning June 2014 and continuing through May 2016, with cable installation work beginning in 2015. While the permit has not yet been granted, the permit will likely require completion of agency consultations, modeling of benthic impacts, essential fish habitat assessment, and several other impacts. Some of these have already been completed and others are in process or will be scheduled as the permitting process continues.

The new information obtained from the these studies represents important advances in the scientific knowledge of the Hudson River Estuary that must be considered before sound scientific conclusions can be reached about the nature and magnitude of impacts from the CHPE Project. It is clear that the CHPE Project DEIS and 404 Application did not consider the important new information that will be obtained by the permitting and impact analysis of the West Point Project because these studies just began in 2013 and will conclude in 2016. However, given the coincidence of the CHPE Project and West Point Projects in time and space, the importance of the Hudson River Estuary as a special aquatic site designated by

the Hudson River Estuary Management Act, and the wealth of the scientific information required by the permitting process of the West Point Project, conclusions of no or temporary impacts stated in the DEIS for the CHPE Project on federally listed Shortnose Sturgeon and on the Gulf of Maine Distinct Population Segment ("DPS"), New York Bight DPS and the Chesapeake Bay DPS of Atlantic Sturgeon are premature.

The proposed West Point Project is planned for a subset of the same stretch of the river where CHPE intends to install HVDC cables. Because this overlap is not detailed in either permit application at this time (CHPE or West Point Partners), it is unclear whether the installation would occur simultaneously or staggered, or where the two cables would be laid in relation to each other. The disturbance of the same area of river bottom twice in a short period of time has the potential to disrupt communities attempting recovery from the first installation, and could cause the long-term degradation of habitat. The area in which the West Point Project is planned also includes SCFWHs deemed to be unique and valuable living and feeding grounds for animals. The impacts of construction, operation (including electro-magnetic fields), and maintenance of the West Point Project will add significant pressure to an area and aquatic community already disturbed by the CHPE Project and may increase the duration and severity of impacts.

It is essential that the cumulative effects section of the CHPE Project DEIS be expanded to include updated facts about the placement and timing of the West Point Project in relation to the installation of HVDC by CHPE. Without this information, the conclusion of no significant negative impact is made using incomplete analysis.

820-68

3.4.3 TDI New England Clean Power Link Lake Champlain

TDI New England has proposed a 1,000 MW HVDC underwater and underground transmission line from the Canadian border to New England via Vermont, to be installed by 2019. Approximately 100 miles of this HVDC cable would run through Lake Champlain. The impacts of this project should be considered in Cumulative Impacts under Present and Reasonably Foreseeable Transmission Projects.

820-69

4.0 Least Environmentally Damaging Practicable Alternative

The CHPE Project Alternatives Analysis presented in the DEIS followed the Clean Water Act 404(b)(1) Guidelines for Selecting the Least Environmentally Practicable Alternative (LEDPA). The project proponent must demonstrate there is "no practicable alternative that would have less adverse impact" and "which does not have other significant adverse environmental impacts to waters of the United States". An alternative is considered practicable "if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose".

CHPE conducted and refined several alternatives analyses, including for the New York State Siting and Permitting Process (CHPE 2010a, 2010b), the DEIS (DOE 2013, Appendix B), an updated Alternatives Analysis dated January 18, 2011 in the Coastal Zone Consistency Determination (CHPE 2011), a supplemental Alternatives Analysis (CHPE 2012c) and the Alternatives Analysis Report included in the CWA 404 permit application (CHPE 2013). According to the USACE 2013 permit application and attachments (CHPE 2013d), several design and routing changes were adopted that avoid the in-water route "to the extent

820-68 **820-68:** Comment noted. The EIS cumulative effects analysis is considered to cover the updated information sufficiently for the proposed West Point Transmission Project. Also see response to Comment 820-11.

820-69 **820-69:** See response to Comment 820-11.

practical and feasible" as part of the NYS siting and permitting process, specifically Article VII of the New York State Public Service Law (CHPE 2010a, 2010b) and NY DOS Coastal Zone Consistency determination (CHPE 2011). The applicant claims that these routing changes included portions of the Hudson River Western Rail Line Route and Harlem River Rail Line route.

According to the 404 Alternatives Analysis report (CHPE 2013), adopting these elements would result in the applicant incurring additional "significant" costs. The alternatives analysis then evaluated the practicability of three alternatives that avoid Hudson River impacts: the Hudson River Western Rail Line Route, use of existing ROWs east of the Hudson River including rail and roads; and an alternative entirely over land (either with overhead or buried transmission lines) using a new power line route. These alternatives were deemed not practicable based on logistics and costs.

One of the alternatives located the CHPE Project with other utilities or roadways. The proponents state that co-location of utility and transportation corridors expose infrastructure to increased risk from terrorism, necessitating a single corridor for each utility to minimize risk. In addition, the applicant states that submarine routes are inherently more secure because of the lack of visible markers. First, the vast majority of high-voltage transmission lines in the United States are above-ground. Second, the submarine location through the Hudson River Estuary, even though not visible, is no less vulnerable than an overland route and could still be easily located by simple reference to navigation charts (due to the "no anchor" zone), and would therefore not offer substantially increased protection from terrorism or attack, even assuming such a threat realistically exists (none has been documented in the record).

Elimination of alternatives as impracticable based on cost raises the question of what is an acceptable cost. Under the 404(b)(1) guidelines that determine what is an unreasonable expense, the applicant should be required to consider whether the projected cost is substantially greater than the cost normally associated with this type of project. In this respect, the applicant compares construction costs for the CHPE Project to costs for other cable installation projects; specifically the Neptune, Port Angeles-Juan de Fuca, Transbay and Northern Pass (the sole overland project) projects (Table 3-2 in Appendix B, CHPE 2013). The applicant claims that the costs per MW are significantly higher by 47% compared to the next most expensive project (Port Angeles). The "comparable" projects are much shorter than CHPE, and thus do not capture the economies of scale that would occur in a project of the length of CHPE. The cost per mile of CHPE (approximately $6.0 million) is less than the cost per mile for the other submarine projects and compares favorably with the overland Northern Pass ($6.1 million per mile). Cost per mile is also more appropriate comparison than cost per megawatt. The applicants estimate that an overland project would increase costs by 35% to 79% over what is defined as baseline costs. This increase would still make the costs per mile similar to "reasonable" costs of comparable overland projects.

820-70

820-70: As presented in EIS Section 2.5 and in the LEDPA analysis included as Appendix B in the EIS, the Applicant considered a number of factors, including cost, in developing their proposed project. DOE reviewed and independently analyzed the LEDPA analysis and other documents to arrive at its determination that certain overland and overhead options are not reasonable alternatives to the Applicant's proposed project. Project development costs were just one factor among many considered.

Table 3. Transmission line construction cost comparison.

	CHPE	Neptune	Port Angeles-Juan de Fuca	Transbay	Northern Pass
Overall cost	$1,999 800,000	$600,000,000	$750,000,000	$505,000,000	$1,100,000,000
MW	1,000	660	550	400	1,200
Miles	332.8	65	31	57	180
Cost per Mile	$6.0m[1]	$9.2m	$24m	$8.9m	$6.1m

[1]million

Deeming alternatives that avoid the Hudson River Estuary as "not practical" eliminates them from further consideration in the alternatives analysis. The only remaining practicable alternative under this analysis is the submarine route through the Hudson River Estuary. Thus, the applicant failed to examine the environmental impacts or perform a full environmental cost benefit analysis with respect to each of the alternative routes as it would have done for a water dependent use project. By default, the submarine alternative is deemed the "least environmentally damaging" because it is the only remaining alternative. However the 404(b)(1) guidelines stipulate that the project proponent must demonstrate there is no "practicable alternative …which would have less adverse impact on the aquatic ecosystem" and "does not have other significant adverse environmental consequences".

The project proponent considered only freshwater and tidal wetlands in its wetland impact assessment. Impacts to the Hudson River Estuary bottom should be considered both a regulated tidal wetlands and a special aquatic site based on consideration of the portions that are SCFWH. Approximately 7,357,860 square feet (168 acres) of river bottom would be disturbed during burial of the HDVC cable (USACE 2013). This would be considered a temporary impact as well as a temporal impact, as there would be a loss of wetland functions and values during habitat recovery. An additional 1,107,700 square feet (25 acres; based on Table 5.1-4 of CHPE 2012d) of permanent impact would result from fill from concrete mats placed over cable crossings over bedrock and existing utilities. These impacts were not considered in the assessment of wetland impacts. The proposed wetland mitigation did not include compensation for these impacts. We would argue that these impacts to the Hudson River, along with impacts to freshwater wetlands would constitute 'a significant adverse impact to waters of the United States'.

Compliance with the 404 (b)(1) Guidelines includes special consideration of discharges proposed for special aquatic sites. Defined in Subpart E, these include sanctuaries and refuges, wetlands, mudflats, and vegetated shallows. The Hudson River Estuary is defined as a special aquatic site. If the activity associated with the discharge does not require access or proximity to, or siting within, a special aquatic site (also known as "water dependent use") to fulfill its basic purpose, practical alternatives that do not include special aquatic sites are presumed to be available unless clearly demonstrated otherwise. The applicant states that "while the project does not itself constitute a 'water-dependent' use, several conditions ensure that the transmission cables will be sited and installed in a manner that facilitates water-dependent economic uses and avoids interference with other important water-dependent uses such as navigation and fishing". These conditions include installation using a single-trench jet plow at the "maximum achievable depth", at least six feet below the sediment-water interface and 15 feet in Federal Navigation channels (NYDOS Coastal Zone Consistency Determination, CHPE 2011). The proposed project does not require access or proximity to, or siting within, a special aquatic site to fulfill its project purpose nor do the

820-71 **820-71:** Until such designations are made by the appropriate agencies, the EIS analysis cannot assume such considerations. Also see responses to Comments 820-07 and 820-10.

special conditions assure that water dependent uses of this project are maintained. Therefore, when fully valued, it appears that indeed at least one practicable overland alternative exists that is not within the Hudson River Estuary and therefore does not traverse five SCFWHs. The land-based alternatives may indeed be the LEDPA when the scientific uncertainties identified in this review are fully addressed and compared to the significant adverse impact to the Hudson River Estuary by the CHPE Project in a revised alternatives analysis.

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EXHIBIT 2

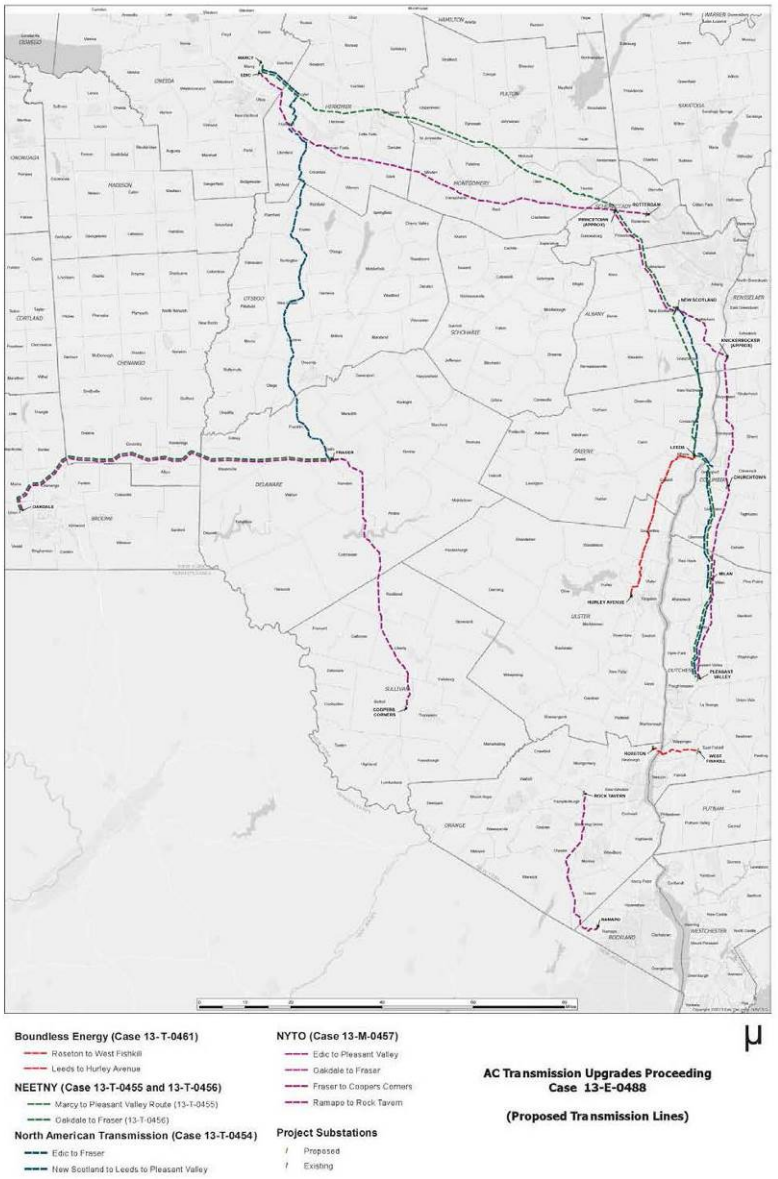
Boundless Energy (Case 13-T-0461)
Roseton to West Fishkill
Leeds to Hurley Avenue
NEETNY (Case 13-T-0455 and 13-T-0456)
Marcy to Pleasant Valley Route (13-T-0455)
Oakdale to Fraser (13-T-0456)
North American Transmission (Case 13-T-0454)
Edic to Fraser
New Scotland to Leeds to Pleasant Valley
NYTO (Case 13-M-0457)
Edic to Pleasant Valley
Oakdale to Fraser
Fraser to Coopers Corners
Ramapo to Rock Tavern
Project Substations
Proposed
Existing
AC Transmission Upgrades Proceeding
Case 13-E-0488
(Proposed Transmission Lines)

EXHIBIT 3

Hearing Exhibit 213

Champlain Hudson Power Express, Inc.
Case 10-T-0139

Request No.:	IPPNY-44 Supplement	Date of Request:	June 1, 2012
Requested By:	Independent Power Producers of New York, Inc.	Reply Date:	June 18, 2012
Subject:	New York Energy Highway Request for Information	Witness:	

REQUEST:

a. Did Applicants or their affiliates submit any proposals in response to the Energy Highway Task Force's New York Energy Highway Request for Information?

b. If yes, please provide the proposals.

RESPONSE:

Applicants object to this request on the grounds that the materials requested are not relevant to any issue in this proceeding, and on the further ground that the information contained in the materials requested is not publicly available at this time.

Without waiving the foregoing objections, Applicants state as follows:

a. A response to the Energy Highway Task Force's New York Energy Highway Request for Information was submitted by TDI-USA Holdings Corp. on May 30, 2012. Hydro-Québec Production ("HQP") has informed Applicants that it also submitted a response to the New York Energy Highway Request for Information referencing the Champlain Hudson project on or about May 30, 2012.

b. Notwithstanding the fact that the Energy Highway Task Force has established that it will produce a summary of all submissions but copies of this information will not otherwise be made available absent the submission of a Freedom of Information Law request, Applicants elect in this instance to attach to this response cop ies of the May 30, 2012 submission s to the Energy Highway Task Force of both TDI and HQP.

Hearing Exhibit 213

The New York Energy Highway

Response to

Request for Information (RFI)

Submitted by:

TDI-USA Holdings Corp.

May 30, 2012

Hearing Exhibit 213

Transmission Developers Inc.

Respondent Information

Respondent's Name: TDI-USA Holdings Corp.
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Primary Contact: William Helmer
Senior Vice President and General Counsel
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518.465.0710
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TDI-USA Holdings Corp. ("TDI") is a Delaware corporation formed by Transmission Developers Inc. in 2008 for the purpose of developing merchant energy transmission projects throughout North America. Energy transmission has been identified by the utility industry and the United States Department of Energy ("DOE") as one of the primary vehicles by which costs to electricity consumers may be reduced and newer and cleaner generation resources may enter the marketplace.[1] Since wholesale energy markets were opened to competition by the Federal Energy Regulatory Commission ("FERC") nearly two decades ago, transmission development of new transmission facilities has lagged for a number of reasons. Two reasons in particular stand out: (a) community opposition to overhead transmission lines; and (b) the complexity and controversy arising out of determining who benefits from and who pays for the service under a traditional cost-of-service model. Given these realities, TDI has developed a simple strategy:

1. Develop projects on a merchant (entrepreneurial) business model;
2. Use best in class technology; and
3. Develop projects in the most environmentally responsible manner and pay utmost respect to community values and concerns.

In order to achieve these strategic objectives, TDI adopted the FERC merchant transmission model, whereby TDI must find its own customers to pay for the transmission service, selected high voltage direct current ("HVdc") technology, and determined to bury the transmission system in existing, well-established corridors of maritime, railway, and road transportation and other upland rights-of-way ("ROWs"). Given the fact that buried cable technology can be three to five times more expensive to install than traditional overhead transmission, TDI concluded

[1] National Electric Transmission Congestion Study, August 2006; http://nietc.anl.gov/documents/docs/Congestion_Study_2006-9MB.pdf; *See also,* Power Trends State of the Grid 2012: http://www.nyiso.com/public/webdocs/newsroom/power_trends/power_trends_2012_final.pdf

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that it should focus its efforts on projects that presented the best combination of need, available ROWs, and environmental merit.

TDI began by assembling a core team of exceptionally experienced senior managers, beginning with Donald Jessome, Anthony Turner, and William Helmer. The biographies of these managers are appended to this response to the New York Energy Highway Request For Information ("RFI") and attest to their extensive experience in the energy area. Less than a year after the Champlain Hudson Power Express Project ("CHPE Project") was publicly announced in February of 2009, TDI was acquired by the Blackstone Group, L.P. ("Blackstone"), the largest private equity fund in the world, and was added to Blackstone's portfolio of energy companies. Shortly after the acquisition, TDI added Thomas O'Flynn and Todd Singer to its senior manager roster, and their biographies, also appended to this RFI response, confirm the exceptional talents they bring to TDI and the CHPE Project. The biographies of TDI's senior managers are appended to this RFI as Appendix A.

Project Description[2]

Project Name:	Champlain Hudson Power Express
Type of Proposed Project:	Transmission
Size of Proposed Project:	1,000 MW (expected annual energy delivery up to 8.3 TWh, expected capacity rights of between 600-1,000 MW)
Proposed Project Location:	U.S.-Canada Border to Zone J, Astoria-Queens, NYC (Project Map is Appendix B to this RFI)[3]
Fuel Source:	Anticipated to be predominantly hydroelectric power[4]
Commercial Operations Date:	Q4-2017
Project Technology:	HVdc Voltage Source Converter similar to the attached information provided below at "Project Justification" #2.

[2] In the Article VII proceeding now pending before the New York State Public Service Commission, TDI has also proposed to construct a 345 kV cable circuit connecting NYPA's Astoria Annex to the Rainey Substation owned and operated by the Consolidated Edison Company of New York, Inc. (the "Astoria-Rainey Cable"). The Astoria-Rainey Cable will be constructed to increase the amount of electric energy that can flow fw from the Astoria Annex into Con Edison's transmission system without violating applicable reliability requirements and is not included in the definition of the "CHPE Project" for purposes of this RFI Response.

[3] From north to south, the CHPE Project traverses Lake Champlain; Washington, Saratoga, Schenectady, Albany and Greene Counties; the upper Hudson River; Rockland County; the lower Hudson and Harlem Rivers; Bronx County; the East River; and Queens County.

[4] Hydro resources currently represent nearly ninety-eight percent (98%) of the power generation in the Hydro-Québec control area. Hydro-Québec, Annual Report 2011, pg. 5. http://www.hydroquebec.com/publications/en/annual_report/pdf/annual-report-2011.pdf

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Project Justification

The following discussion explains how the CHPE Project will address the objectives and goals outlined in the RFI.

1. **Reduce constraints on the flow of electricity to, and within, the downstate area; and expand the diversity of power generation sources supplying downstate.**

   The downstate area of New York has increasingly relied on natural gas power generation sources as coal and oil generation has declined. Once in operation, the CHPE Project will bring clean and reliable hydroelectric energy from the Quebec control area to consumers in and around New York City and will enhance fuel diversity in the downstate mix of generation.[5] Furthermore, the major constraints on bringing this new generation source to downstate through the existing, congested grid will be averted by the CHPE Project, and resulting savings to consumers have been estimated by the New York State Public Service Commission ("PSC") staff to be as high as $720 million in 2018 from energy benefits alone.[6] These consumer savings are generated through reductions in congestion costs on the existing transmission system assuming operation of the most efficient in-state generation resources along with the energy supplied by the CHPE Project. In addition, PSC staff has estimated that the environmental benefits of the CHPE Project would reach 838 tons of SO_2, 1,432 tons of NOx, and 2.2 million tons of CO_2 in its 2018 test year analysis. Environmental benefits are forecasted at similar levels in subsequent years.[7]

2. **Assure the long-term reliability of the electric system is maintained in the face of major system uncertainties.**

   The CHPE Project will both add new clean and reliable energy resources to New York's electric system and help reinforce the grid by using state-of-the-art HVdc technology with its inert cables installed in existing ROWs. The CHPE Project is expected to be in-service for at least 40 years and will use HVdc voltage source converter technology to deliver the energy and capacity into New York's electric system. The CHPE Project will be a ± 320 kV, 1,000 MW HVdc cable circuit, comprised of two polymer ("XLPE") cables for both the land and marine portions of the cable route. The system design uses HVdc voltage-sourced converters ("VSC"), which allows for fully independent control of both the active and the reactive power flow over its operating range. An overview of two manufacturers' Voltage Source Converter technology (which is typical of VSC technology in general) can be found at:

[5] NYISO, *Power Trends 2012, State of the Grid* at pg. 19.

[6] Champlain Hudson Power Express, Inc. Joint Proposal for Settlement. Submitted to the New York State Public Service Commission on February 24, 2012. On-line at: http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={C5F63E41-5ED5-46A2-99A5-F1C5FC522D36} ; See pg. 58. ¶ 137.

[7] *See*, Joint Proposal filed February 24, 2012, ¶ 141.

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https://netfiles.uiuc.edu/ysharon2/www/enrgysym/talks/larsson_talk.pdf and http://www.ieee.org.br/t-dlamerica2010/T_D_2010_Brasil_paineis_PDF/on%2010_11/morning/IEEE%20HVDC_PLUS%20Technology_Overview.pdf

This technology not only offers unprecedented flow control to the New York Independent System Operator ("NYISO") as it works to balance the system, it also incorporates world-class "smart grid" technologies such as phasor m easurement units at each end of the converter station. As the CHPE Project will be in service for a long period of time, it will not only help to address the near-term uncertainties of the state's aging transmission system, potential generation retirements, and energy-demand growth, it will also add a clean and reliable long-term source of secure supply into the New York market.

3. **Encourage development of utility-scale renewable generation resources throughout the State.**

The CHPE Project has the ability to increase access to its facilities by adding additional intermediate converter stations in the future, if and when economic conditions supporting such a capital investment arise. Most critically, the hydroelectric power resources that will flow from the Québec control area have extremely responsive operational characteristics both in terms of fine scale load-following and frequency control along with the longer term energy balancing of the operational spectrum. Energy balancing allows system operators to maximize the integration of utility-scale renewable generation resources, which tend to be intermittent in nature. Thus, the CHPE Project can help to facilitate the development of wind generation by providing the NYISO with an important means of balancing the transmission system on a real-time basis.

4. **Increase efficiency of power generation, particularly in densely populated urban areas.**

The CHPE Project will lower power costs to consumers in the downstate region through the introduction of reliable, lower cost energy and capacity resources. Power prices in the NYISO Zone J market will therefore trend lower for existing generators, which should have the effect of inducing them to make investments in re-powering. In general, the effect of lower power costs will be to incent improvements to efficiency.

5. **Create jobs and opportunities for New Yorkers.**

The CHPE Project on average will save consumers an estimated $650 million per year, year after year, through the introduction of lower cost, clean , and reliable hydroelectric power. A study performed by London Economics International ("LEI") and Regional Economics Modeling, Inc. ("REMI") estimates that the consumer savings will create approximately 2,400 indirect and induced jobs across a wide s pectrum of the New York State economy. In addition, during the 3.5 year construction period, the study projects that, on average, 300

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construction jobs will be created by the CHPE Project (with a peak employment of 600), and an additional 1,200 indirect and induced jobs will be created during this period.

6. **Contribute to an environmentally sustainable future for New York State.**

Given the clean and reliable sources of power that are anticipated to utilize the CHPE Project, substantial and sustained environmental benefits will accrue to New York State. As noted above, PSC staff has estimated that the CHPE Project will lead to reductions of 838 tons of SO_2, 1,432 tons of NOx, and 2.2 million tons of CO_2 in the test year 2018.[8] Annual environmental benefits in subsequent years will be on a similar scale. The CHPE Project converter station is planned to be situated in what may be characterized as the Astoria energy campus in northern Queens. Traditionally, the Astoria campus has housed conventional fossil-fuel generation. For many years, the people of Queens have struggled with high electricity prices while hosting a disproportiona te number of fossil-fuel generating facilities. A buried 1,000 MW transmission project that will displace higher-cost fossil generation with clean power, save hundreds of millions of dollars through reduced consumer costs, and increase the reliability of the grid will be a very positive event for the people of Queens. Furthermore, if approved, the Hudson River and Lake Champlain Habitat Enhancement, Restoration, and Research/Habitat Improvement Project Trust (the "Trust"), discussed in detail below, will establish a lasting legacy of stewardship that will benefit New York State's environment for decades to come.

7. **Apply advanced technologies that benefit system performance and operations.**

The CHPE Project will utilize best-in-class HVdc voltage source converter station technology, along with inert XLPE transmission cable. An HVdc transmission system integrated into the existing HVac transmission network allows grid operators enhanced control over both voltage and frequency, the most significant reliability metrics of the transmission grid, and also improves grid system operation.[9] The innovative technology chosen by TDI will also include many "smart grid" technologies, including phasor measurement units at each end of the converter station. This technology will give real time synchronized data regarding the operations of the CHPE Project to the NYISO, a critically important advantage in the management of the modern power system. In addition to the advantages of the HVdc technology, the hydroelectric power resources that will flow easily on the line from the Québec control area will allow for much needed fast responding regulation and frequency control, along with the capability to balance the existing and new intermittent resources being integrated into the transmission system.

[8] *See*, Joint Proposal filed February 24, 2012, ¶ 141.

[9] D.E. Martin, W.K. Wong, D.L. Dickmander, R.L. Lee and D.J. Melvold, *Increasing WSCC Power System Performance with Modulation Controls on the Intermountain Power Project HVDC System*. 1992.

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8. Maximize New York State electric ratepayer value in the operation of the electric grid.

The CHPE Project employs a privately-financed, user-pay transmission model that will not impose the cost of service on the ratepayers of New York State. Notably, the CHPE Project will significantly reduce the cost of service borne by utility customers in the downstate region without increasing costs in other parts of the state. As noted above, consumer benefits from the CHPE Project have been estimated by PSC staff to be as high as $720 million in 2018 from energy benefits alone. These consumer savings are generated by reducing congestion costs on the existing transmission system by incenting reliance on the most efficient in-state generation resources, along with the energy supplied by the CHPE Project. In addition to the estimated energy benefits, the introduction of up to 1,000 MW of capacity in the Zone J market will help dampen capacity prices well into the future. In addition, as discussed above, environmental benefits were estimated by PSC staff to be as high as 838 tons of SO_2, 1,432 tons of NOx, and 2.2 million tons of CO_2 in 2018. Environmental benefits are forecasted at similar levels in subsequent years.

9. Adhere to market rules and procedures and make recommendations for improvements as appropriate.

The CHPE Project has been involved in the NYISO interconnection process since 2008 occupying queue position 305. The CHPE Project has completed its System Reliability Impact Study ("SRIS") and is currently participating in the 2012 Class Year Facilities Study.

Financial

As noted above, TDI was purchased by Blackstone in January of 2010. Blackstone is a leading global investment and advisory firm that has a remarkable track record in terms of its energy portfolio. Since the acquisition of TDI in January 2010, Blackstone has invested approximately $30 million in the CHPE Project, and Blackstone is fully committed to investing the approximately $500 million of equity required to build the CHPE Project. In addition, TDI is securing the debt required for the CHPE Project through a combination of shipper's access to capital markets, sovereign banks associated with the potential equipment suppliers, and other traditional project financiers. TDI has committed in its Article VII Certificate application now pending before the PSC to develop the CHPE Project as a privately-financed, shipper-pay merchant transmission line with no requirement for ratepayer or governmental support. In response to the RFI's inquiry with respect to public-private partnerships, TDI remains open to such a structure if it increases the CHPE Project's benefits to all parties and is consistent with the commitments made in the "Joint Proposal of Settlement," discussed below.

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Permit/Approval Process

In order to develop , construct, and operate the CHPE Project, TDI is seeking or has obtained a number of state and federal permits. It may be noted that, on June 8, 2011, the New York State Department of State ("DOS") completed its review of the CHPE Project by issuing its concurrence pursuant to the Federal Coastal Zone Management Act ("CZMA"), and, on July 1, 2010, FERC approved a negotiated rate and open season process for this merchant transmission project. The key permits and approvals still to come are as follows:

1. *PSC (Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law).* TDI submitted its initial application to the PSC on March 30, 2010. Since that initial application was filed, extensive public and intervener consultation has been carried out, and this effort culminated with the filing of a Joint Proposal of Settlement ("Joint Proposal") on February 24, 2012 supported, in whole or in part, by 14 state agencies, municipalities, environmental groups, and an electric utility.[10] The Joint Proposal is currently under review by the PSC Administrative Law Judges supervising Case 10-T-0139. TDI anticipates that the PSC will make its final ruling granting a Certificate of Environmental Compatibility and Public Need (the "Article VII Certificate") before the end of 2012.

2. *Other New York State Approvals.* The PSC will issue a Water Quality Certificate pursuant to section 401 of the federal Clean Water Act ("CWA") contemporaneously with the Article VII Certificate. In addition, TDI will apply to the PSC for a number of ancillary approvals, such as a regime of "lightened regulation," late in 2012. Finally, TDI will apply to the New York State Office of General Services ("OGS") for an interim construction permit (and draft grant of lands under water pursuant to the New York State Public Lands Law) in mid -2012.

3. *DOE (Presidential Permit).* TDI submitted is initial application to the DOE on January 27, 2010 . DOE is preparing an Environmental Impact Statement ("EIS") to evaluate potential environmental impacts associated with the CHPE Project in accordance with the National Environmental Policy Act of 1969 ("NEPA"). The EIS will only address potential impacts in the United States; NEPA does not require an analysis of environmental impacts that occur within Canada. The EIS, however, will evaluate all relevant environmental impacts within the United States related to or caused by project -related activities in Canada. The original application to DOE was amended on August 5, 2010, updated on July 7, 2011 to reflect the DOS CZMA consistency determination, and further amended on February 28, 2012 to reflect revisions to the application arising out of the Joint Proposal. The draft EIS is expected later this year, with a final determination regarding the Presidential Permit application expected in the first half of 2013.

[10] See Footnote No. 5 above and references below.

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4. *Other Federal approvals.* TDI has applied to the United States Army Corps of Engineers ("ACOE") for permits pursuant to section 404 of the CWA and section 10 of the 1899 Rivers and Harbors Act, and this permitting process is proceeding on a parallel track with the DOE permitting and NEPA processes. A final determination regarding these applications is expected in early 2013.

5. *NYISO approval of interconnection agreement.* As noted above, the CHPE Project is participating in the 2012 Class Year Facilities Study, and conclusion of this study and final approval of the CHPE Project interconnection agreement is expected by mid-2013.[11]

Other Considerations

1. *Anchor Supply Background.* It bears repeating that the source of supply for the CHPE Project is of utmost importance in terms of its overall benefits. Hydro-Québec, which will most likely be the anchor tenant for th e CHPE Project, as well as its predecessor companies, have sold power to New York State for decades in the wake of the construction of the Cedars -Dennison intertie in the late 1910's and more recently, the Châteauguay-Massena intertie in the early 1980's. It is the opinion of Hydro-Québec and TDI that the addition of the CHPE Project will significantly contribute to fostering already deep and long-standing electricity relationships between New York State and the Province of Québec by adding 1,000 MW of intertie capacity to the existing 1,700 MW. Hydro-Québec currently owns or controls approximately 37,000 MW of generation capacity, as of the end of 2011, producing approximately 195 TWh of energy every year, nearly 98% of which flows from hydroelectric power stations. Hydro-Quebec continues to add resources in its generation fleet in Quebec as well as capacity improvements to its existing generation stations. Since 2005, nearly 1,600 MW of hydroelectric generation capacity have been commissioned (including the Eastmain-1, Péribonka, and Toulnustouc powerhouses) and 918 MW of new capacity will be commissioned in 2012 after the completion of the Eastmain -1A/Sarcelle/Rupert project. In addition, the four -station, 1,550 MW Romaine hydro complex, currently under construction, will be put in service incrementally starting in 2015.

[11] Additional NYISO approvals may also be required for the Astoria -Rainey Cable proposed in the Joint Proposal in the Article VII proceeding.

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2. *Ancillary Benefits.* If the HV ac transmission and distribution system suffers a shut-down, or "blackout," conventional generators must have an energized HVac system to connect to before they can begin to restore power. This can take considerable time in conventional generation systems. There is need to be able to start-up the system from the blackout, and this is known as "Blackstart" capability. The VSC technology used in the CHPE transmission system has an inherent Blackstart capability, which means that it can provide up to 1,000 MW of power into a completely blacked-out system as required by the system operator.

Property

For a project of its scale and scope, the CHPE Project is fortunate in having a very limited number of "landlords." Well over 90% of the route will occupy ROWs owned by the State of New York (the beds of Lake Champlain, the beds of the Hudson, Harlem and East Rivers, and state highways 9W and 22) and two large and established railroad corporations (CSX Transportation and the Canadian Pacific Railway). Incidental landlords or providers of real property rights will include some upland municipalities and, potentially, a limited number of commercial landowners. A detailed description of the CHPE Project routing can be found in Exhibit B to the Joint Proposal. The CHPE Project converter station will be located in the Astoria neighborhood of the Borough of Queens in an area that has been dedicated to industrial and commercial use for many years.

Projected In-Service Date and Project Schedule

A Gantt chart of the currently anticipated CHPE Project schedule is appended to this RFI response as Appendix C.

Interconnection

The CHPE Project point of interconnection will be the Astoria Annex 345 kV substation in Astoria, which is owned by the New York Power Authority ("NYPA") and is located on land owned by the Consolidated Edison Company of New York, Inc. ("Con Edison"). The Astoria Annex interconnects with the Con Edison system through two cables that connect to its East 13th Street substation. In addition, Con Edison is in the process of constructing an additional interconnection between the Astoria Annex and its Astoria East 138 kV Substation. An interconnection diagram is appended to this RFI response as Appendix D. The Astoria interconnection point was selected for a number of different reasons including voltage level, breaker positions, and proximity to land for the converter station, as well as consideration of deliverability and reliability. TDI has agreed to upgrade facilities at the Astoria Annex so that the energy deliverability to the Con Edison system will be at least 1,550 MW, thus ensuring that both the CHPE Project and Astoria II Project can deliver low-cost energy supplies to the market. As noted above, the CHPE Project is currently participating in the 2012 Class Year Facilities Study, and conclusion of this study and final approval of the CHPE Project interconnection agreement is expected by mid-2013.

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Technical

The CHPE Project is expected to be in service for at least 40 years. TDI is requesting that the construction contractor ultimately selected to provide engineering, construction, and procurement services (the "EPC Contractor") provide a three-year equipment guarantee, and it is anticipated that the EPC Contractor will also be responsible for the ongoing maintenance and emergency repairs to the CHPE Project.

Construction

TDI is currently conducting an EPC Contractor selection process. It is expected that the construction teams will be companies based in the United States, with the equipment manufacturers being suppliers with some on-shore based manufacturing capability. Labor to construct the project will be primarily local and drawn from the communities in which the cables will be installed and from the New York City area. Cable manufacturing capability will be in the critical path for the construction of the CHPE Project , as there is limited manufacturing capability and high demand in t he European and Asian markets. It may be necessary to form a cable manufacturing consortium in order to manufacture the cable on the timeline required by TDI. The HVdc voltage source converter technology, as well as the submarine and terrestrial HVdc cables, are commercially available and are used throughout the wold.[12] The CHPE Project is expected to be in service for at least 40 years, and historical experience with the cable and converter station technologies has demonstrated that properly -maintained equipment can be in service much longer. If the technology becomes uneconomic or inoperable, the least environmentally disruptive option would be to leave the inert cables *in situ*.

Operational

The CHPE Project has en expected lifespan of 40 or more years. During this period, it is estimated that the transmission system will maintain an availability of 95%, which translates to a capability of delivering up to 8,322 GWh of clean, reliable energy year after year. The HVdc voltage source converter technology uses best in class real time fault detection equipment to clear any fault in 50 milliseconds (0.05 seconds), making the risk of damage to human health and the environment *de minimis*. In addition, the cables are buried to depths that minimize the risk of potential external mechanical damage from ship anchors or fishing equipment. Finally, the transmission cables will both be shielded and buried, so the magnitudes of the electric field levels will be inconsequential. The CHPE Project will meet applicable regulatory standards with respect to magnetic fields and the impacts to potential receptors, if any, are projected to b insignificant.

[12] See, http://www.abb.com/industries/us/9AAF400197.aspx ;and http://www.transbaycable.com/

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Socio-Economic

As noted above, LEI and REMI prepared a study detailing the socio-economic benefits of the CHPE Project. Inasmuch as the CHPE Project will be primarily installed in ROWs, the impacts to the affected communities will be limited to the construction periods. For those communities in which the CHPE Project will be buried along railroad ROWs or streets and highways, an estimated $20 million of property taxes will be paid annually. Once the CHPE Project is *in situ*, there will be little or no burden on the communities. Property values in the communities are also expected to be unaffected by the CHPE Project as the project is almost wholly invisible once buried. It may also be noted that the CHPE Project will receive a grant of land underwater from OGS, and this will generate tens of millions of dollars towards the State's general fund. As previously stated in this RFI response, the introduction of a lov-cost, clean, reliable energy source in Astoria will be a very positive event due to the introduction of zero emissions energy in their community. During the three to four year construction period, an estimated 300 unionized construction jobs will be created in a number of trades and crafts. At the peak of construction, there will be 600 workers employed by the CHPE Project. The LEI/REMI study also has determined that 1,200 indirect and induced jobs will be created from this construction activity. Once the CHPE Project is operational and the estimated $650 million of annual energy cost savings flows into the economy, the LEI/REMI study has determined that approximately 2,400 sustainable jobs will result from the energy cost savings. Finally, the CHPE Project will be the largest and longest HVdc transmission project in North America. As such, New York State will be able to showcase the implementation of the technology, bringing further prominence to the emerging high tech revolution that is occurring in the Capital District region of New York State and once again restoring New York State to the forefront of the electric power industry.

Financial

The CHPE Project is a privately-financed merchant transmission project. The CHPE Project will be financed as follows:

1. *Customer Commitments.*

    a. TDI will enter into a 35-40 year Transmission Service Agreement with Hydro-Québec Production or other entity for 750 MW of transmission capacity;

    b. TDI will offer the remaining 250 MW in an open season process. Such process will be administered by the third party evaluator Boston Pacific in accordance with FERC order ER10-1175-000 issued July 1, 2010; and

    c. Qualifying parties will need to offer, at a minimum, investment grade credit.

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2. *Sources of Project Finance.*

   a. Hydro-Québec may supply all debt for the CHPE Project;

   b. Sovereign Export banks can and may supply between 25-50% of the debt financing for those suppliers selected to manufacture the cables and converter stations;

   c. Traditional project finance may be utilized; and

   d. TDI continues to be a participant in DOE's "Section 1703" Loan Guarantee Program established pursuant to the Energy Policy Act of 2005.

3. *Source of Equity.* Blackstone will provide all equity for the CHPE Project. Current estimates are that equity will represent 25% of the required capital.

4. *Customer Revenues.* TDI will not assume ownership of the energy and capacity that will be sold into the NYISO administered markets, but rather will transport these valuable products to the market. The expected markets that Hydro-Québec and other shippers are expected to access include the energy (Zone J Locational Marginal Price), New York In-City capacity markets, and, potentially, the ancillary services markets administered by the NYISO.

5. *Risk in Price Changes.* TDI is currently in the process of selecting an EPC Contractor for the CHPE Project through a request for proposal process. The risks associated with commodity prices (e.g. copper, lead, etc.) will be borne by the EPC Contractor after issuance of the "notice to proceed" with the work identified by the conract. Risks associated with geotechnical and environmental conditions will be apportioned between the EPC Contractor and TDI in accordance with determinations regarding which of the parties can best manage a particular risk. Risks associated with the NYISO markets will be borne by the shippers using the CHPE Project and will be managed in accordance with the shippers risk management strategies.

6. *Public Service Commission.* The CHPE Project is a merchant, privately-financed, user-pay transmission project and is therefore not involved in any PSC rate-making proceedings. The CHPE Project is, as noted above in this RFI response, the subject of the PSC Article VII siting proceeding, Case No. 10-T-1039.

7. *Power Purchase Agreement.* The CHPE Project will be a merchant, privately-financed, user-pay transmission project and TDI is not seeking a Power Purchase Agreement with any utility or state authority. If in the future an authority or utility in New York undertakes a power purchase request for proposal process, it is anticipated the shippers using the CHPE Project may participate, offering their long-term, clean, and reliable energy supply to the New York market on a competitive basis.

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Environmental

TDI has completed a thorough review of the environmental aspects of the development, construction, and operation of the CHPE Project in the context of the PSCArticle VII process. On February 24, 2012, the Joint Proposal was filed on behalf of the following parties:

1. The Applicants (TDI subsidiaries Champlain Hudson Power Express, Inc. and CHPE Properties, Inc.);
2. PSC Staff;
3. New York State Department of Environmental Conservation ("NYSDEC") ;
4. New York State Department of State (" DOS");
5. New York State Department of Transp ortation ("NYSDOT");
6. New York State Department of Agriculture and Markets ("Ag & Mkts") ;
7. Adirondack Park Agency ("APA") ;
8. Riverkeeper, Inc. ("Riverkeeper");
9. Scenic Hudson, Inc. ("Scenic Hudson");
10. New York State Council of Trout Unlimited ("Trout Unlimited") ;
11. City of Yonkers ;
12. City of New York ("CNY") ;
13. New York State Office of Parks, Recreation and Historic Preservation ("OPRHP");
14. Palisades Interstate Park Commission; and
15. Vermont Electric Power Company – Only with respect to those sections associated with co-located infrastructure.

As part of the Joint Proposal, a comprehensive review was conducted regarding all aspects of the CHPE Project. The application, testimony, and exhibits designated for inclusion in the evidentiary record describe the nature of the probable environmental impacts of the CHPE Project and are briefly summarized below. The environmental impacts associated with the CHPE Project are expected to be avoided, minimized or mitigated, provided that the Best Management Practices ("BMPs") and Guidelines for the preparation of the Environmental Management and Construction Plan ("EM&CP Guidelines") agreed to by the signatory parties are adhered to in the preparation of the Environmental Management and Construction Plan ("EM&CP") and provided that the EM&CP and the proposed Certificate Conditions agreed to by the signatory parties are strictly complied with during CHPE Project construction, operation, and maintenance. The signatory parties have agreed in the Joint Proposal that the CHPE Project, located and configured as provided therein, represents the minimum adverse environmental impact considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations. The route of the CHPE Project is preferred

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because it would avoid and/or minimize the disturbance of natural habita and would primarily use existing and previously disturbed ROWs.

The Joint Proposal further details the environmental aspects of the CHPE Project in the following sections:

Environmental Impact: Sections 24-98

a. Topography, Geology, Soils: Section 26
b. Aquatic Physical Characteristics: Sections 27-34
c. Aquatic Sediment and Water Quality: Sections 35-39
d. Benthic Resources: Sections 40-45
e. Finfish: Sections 46-50
f. Lacustrine and Aquatic Protected Species: Sections 51-58
g. Freshwater and Tidal Wetlands and Water Resources: Sections 59 -62
h. Terrestrial Wildlife and Plants and Protected Species: Section 63 -68
i. Land Use: Sections 69-74
j. Agricultural: Sections 75-76
k. Visibility from Area s of Public View: Sections 77-80
l. Cultural and Historic Resources: Sections 81-82
m. Transportation: Sections 83-88
n. Noise: Section 89
o. Communications: Sections 90-91
p. Electric and Magnetic Fields: Sections 92-98

Environmental Benefits: Section 141

Studies in the Joint Proposal also indicated that the CHPE Project would result in environmental benefits by reducing the emissions of SC_2, NO_X, and CO_2 due to the displacement of electric power that would have otherwise been generated by burning fuel in power plants as outlined below in Table #1.

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Table 1

Emissions Reductions	**SO_2 (tons)**	**NO_X (tons)**	**CO_2 (tons)**
PSC Staff estimate	499 - 828	748 - 1,432	1.5-2.2 million
LEI Updated emissions reduction benefit with CHPE @ 75%- 90%	454 – 571	952-1,114	2.5-2.9 million

The signatory parties have agreed upon the establishment a $117 million Trust, as detailed at proposed Certificate Condition 165 in Appendix C of the Joint Proposal, to be used exclusively for in-water mitigation studies and projects that have a direct neus to the construction and operation of the CHPE Project. The signatory parties have participated in extensive discussions to develop and implement a variety of studies and projects that will minimize, mitigate, study, and/or compensate for the short-term adverse aquatic impacts and potential long-term aquatic impacts and risks to these water bodies from construction and operation of the CHPE Project.

Project Contract/Request for Proposal ("RFP") Status

The CHPE Project is a privately-financed merchant transmission project and has therefore not been submitted to a New York agency or authority in response to a Request for Proposals.

Public Outreach and Stakeholder Engagement

TDI has pursued an extensive public outreach program as documented below:

1. Public Announcement February 23, 2010
2. TDI Public Meetings:
    a. Albany, New York: March 10,2010
    b. Plattsburgh, New York: April 13,2010
    c. Kingston, New York: April 20, 2010

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d. Scotia, New York: May 4, 2010
e. Yonkers, New York: May 12, 2010

3. DOE Public Scoping Meetings
   a. New York City: July 9, 2010
   b. Yonkers, New York: July 12, 2010
   c. Kingston, New York: July 13, 2010
   d. Albany, New York: July 14, 2010
   e. Glens Falls, New York: July 15, 2010
   f. Plattsburgh, New York: July 16, 2010

4. PSC Public Statement Hearings on Article VII Completed Application
   a. Yonkers, New York: Oct 24, 2010
   b. Kingston, New York: Oct 28, 2010
   c. Schenectady, New York: November 4, 2010
   d. Whitehall, New York: November 8, 2010
   e. Plattsburg, New York: November 9, 2010

5. PSC Public Statement Hearings on Filed Joint Proposal
   a. Whitehall, New York: April 3, 2012
   b. Catskill, New York: April 4, 2012
   c. Ravena, New York: April 5, 2012
   d. Schenectady, New York: April 10, 2012
   e. Haverstraw, New York: April 12, 2012
   f. Astoria, Queens, New York: April 24, 2012

In addition to the public meeting, there have been two forty-five (45) day public comment periods noticed on the Federal Register by the DOE, the first on June 18, 2010 and the second o n April 30, 2012. Members of the public can also express their opinion regarding the CHPE Project through the PSC Article VII process on an ongoing basis. Finally, to ensure that the public is well informed with respect to the CHPE Project, there are several websites that the public can access to obtain all public information available. The sites can be found at:

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TDI Website: www.chpexpress.com

DOE EIS Website: http://chpexpresseis.org

PSC Article VII Website: http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=10-T-0139

It should be noted that the following additional parties have expressed support for the Joint Proposal and/or the CHPE Project generally:

- Twenty members of New York's Congressional Delegation[13]
- New York League of Conservation Voters
- New York City Councilman Peter Vallone, Jr.
- Hydro-Québec
- Long Island Association
- Plattsburgh-North Country Chamber of Commerce
- New York State Energy Consumers Council
- International Union of Operating Engineers
- Laborers' International Union of North America
- New York State Laborers' Union
- Empire State Development Corporation
- New York City Economic Development Corporation
- Coalition Helping Organize a Kleaner Environment ("CHOKE")
- Middletown Times Herald Record
- Watertown Daily Times

[13] The Honorable Tom Reed, Paul Tonko, Tim Bishop, Peter King, Steve Israel, Carolyn McCarthy, Gary Ackerman, Gregory Meeks, Jerry Nadler, Ed Towns, Yvette Clarke, Mike Grimm, Carolyn Maloney, Charlie Rangel, Richard Hanna, Eliot Engel, Ann Marie Buerkle, Bill Owens, Nita Lowey and Louise Slaughter.

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APPENDIX A

Donald Jessome
President and CEO

Mr. Jessome is President and CEO of Transmission Developers Inc, and a co-founder of the Company. He earned his undergraduate degree in Electrical Engineering from the Technical University of Nova Scotia (currently referred to as Dalhousie University) in 1987 and his Masters of Business Administration, with Distinction, from Saint Mary's University in 1999.

Mr. Jessome spent his entire career in the energy field starting with 22 years at Emera Inc., a publicly traded company in Canada with $5.3 Billion in energy infrastructure assets centered on power and natural gas. Mr. Jessome has worked in a broad range of areas while at Emer including Transmission & Distribution Operations and Construction, Integrated System Planning, System Operations, Generation Operations and Fuel Procurement, Marketing and Sales, and most recently Director of Asset Optimization and Power Trading for Emera Energy Inc. a wholly owned non-regulated trading and asset Optimization Company of Emera Inc. During this tenure, Mr. Jessome has sat on numerous advisory boards including his membership as one of the inaugural members of the NBSO Market Advisory Committee and a founding member of the CEA Power Marketing Committee. Mr. Jessome has extensive knowledge of the power markets in the North East including ISO-NE, NYISO, IESO, TransÉnergie, NBSO, and PJM through his extensive marketing and trading experience with both the regulated and non-regulated business at Emera.

Prior to co-founding Transmission Developers Inc, Mr. Jessome joined Riverbank Power in 2008 as the Vice-President of Marketing and Trading to assist Riverbank Power in developing its commercialization strategy for its 1,000 MW underground pump -storage technology referred to as Aquabank¢â. This commercialization strategy included the development of economic models and programs for the sale of energy, capacity and renewable attributes for both the regulated and market based energy markets that Aquabank¢â is currently developing sites. In addition, Mr. Jessome was responsible, along with the CEO, in raising equity financing for Riverbank's development plans. Mr. Jessome is a board member to Riverbank Power.

Mr. Jessome serves as a Director for Transmission Developers.

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Tom O'Flynn
Chief Operating and Finance Officer

Mr. O'Flynn is a seasoned energy executive. From 2001 -2009, he served as the Chief Financial Officer of PSEG, a New Jersey based power and utility company with approximately 2.4 million utility customers, 16,000 megawatts of unregulated generation, and operator of a large transmission system in the PJM system. Mr. O'Flynn was responsible for all PSEG corporate and operating financial and strategic functions from 2007 – 2009.

Mr. O'Flynn also served as President of PSEG Energy Holdings, a subsidiary that owned major electric distribution businesses in Chile and Peru and has approximately 2,600 megawatts of generation, primarily in the United States.

From 1986 to 2001, Mr. O'Flynn was in the Global Power and Utility Group in the Investment Banking Division of Morgan Stanley, based in New York City. He served as a Managing Director for his last five years and as Head of the North American Power Group in 2000 - 2001. He was responsible for senior client relationships and led a number of large merger, financing, restructuring and advisory transactions.

Mr. O'Flynn graduated from Northwestern University in 1982 with a B.A., Economics and from the University of Chicago in 1986 with an MBA, Finance. Mr. O'Flynn served as a member of the Board of Directors of Nuclear Electric Insurance Limited from 2003 - 2009, serving as Chairman of the Finance Committee from 2007 - 2009. He is on the Boards of the New Jersey Performing Arts Center and the Newark Museum.

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Bill Helmer
Senior Vice President, General Counsel, and Secretary

Bill Helmer has practiced energy, environmental, contract, and real estate law during a career spanning over a quarter century. He has occupied senior positions in New York State government, litigated groundbreaking cases before federal courts and the highest court in New York State, and handled the leg al issues associated with the development and financing of many large and complicated power projects.

Bill is a graduate of Hamilton College, and he earned a Masterof Arts degree at Columbia University in New York City. He graduated with honors from the Law School of the State University of New York at Buffalo in 1982. After a judicial clerkship, Bill practiced law privately in Albany, New York for a dozen years until he was placed in charge of the Environmental Protection Bureau in the State Attorney Ge neral's office.

The Bureau serves as the litigation counsel for all environmental cases involving state bodies such as the Departments of Environmental Conservation and State, the Adirondack Park Agency, and many others. During his tenure as Bureau Chief, Bill managed a staff that included over thirty attorneys, six scientists, and dozens of other employees in offices located in Buffalo, Albany, and New York City.

From 1999 until 2007, Bill served as Special Counsel in the New York Power Authority's Law Department. At the Authority, Bill oversaw all legal matters associated with the Authority's nuclear fleet until the plants were sold to Entergy Corporation late in 2000. Shortly before the sale, Bill also assumed responsibility for the Authority's hydroel ectric relicensing portfolio. By early 2007, new 50 -year federal licenses had been issued for the Authority's projects on the St. Lawrence and Niagara Rivers.

Bill is a sought -after writer and lecturer. He has served as an adjunct faculty member at Union College, where he designed and taught "The Land and the Law" Environmental Studies course, and he frequently appears in programs sponsored by the New York State Bar Association. At the Bar Association, Bill sits on the Executive Committees of the Environ mental and General Practice Sections. He is also a past Chairman of the latter section and a past member of the Public Utility Law Committee.

Bill's published works include scores of articles and sixteen entries in the official Encyclopedia of New York St ate. He has served as a quarterfinals judge for the National Environmental Law Moot Court competition held annually at Pace Law School. He is also the co-host of the "Capital Green Scene" weekly radio program on WVCR-FM 88.3, which made its debut on Earth Day, 2008.

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Todd Singer
Vice President of Finance and Treasurer

Mr. Singer is the Vice President of Finance and Treasurer for Transmission Developers. He is a senior finance and business development executive with over 17 years ofiverse corporate and investment banking experience. He has significant expertise in the alternative energy and power/utility industries. During his investment banking career, Mr. Singer was responsible for originating and executing over $97 billion in capital markets transactions and $3.6 billion in M&A transactions. He was formerly a Consultant and Head of Strategy and Corporate Development for Energy Storage and Power LLC, a wind energy storage company that is a portfolio company of PSEG. He was also a Consultant with the Natural Resources Defense Council in its Center for Market Innovation where he was focused on energy efficiency finance.

Mr. Singer worked for over eight years as an investment banker at Morgan Stanley where he was an Executive Director. Following business school, Todd was also a Consultant at Price Waterhouse Coopers and an investment banker at Bank of America. He also worked in advertising finance at Time Warner's Time Inc. subsidiary.

Mr. Singer received his MBA from Columbia Business School in 1996 and his BSBA in Management with a Minor in Art History from Bucknell University in 1991. Mr. Singer is currently the Co-Chair of the Bucknell Professional Networks, a 2,500-member network of alumni covering a broad range of industries and disciplines. He was also the founding Co-Chairman of the Bucknell Finance Network, a worldwide network of all Bucknell alumni working in Finance. He is also a former Chairman of the Reunion Gift Committee and has been a guest lecturer at Bucknell. Mr. Singer is also on the Board of Directors for Green Allowance, a non-profit focused on making homes more energy efficient.

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Anthony Turner
Vice-President of Engineering

As VP of Engineering, Mr. Turner has more than 40 years' experience in electrical engineering, including a variety of aspects relating to high voltage direct current and alternating transmission systems. This experience includes HVdc manufacturing, research, lecturing and consultancy, high voltage cable systems, power systems studies, energy management systems, renewable energy and railway electrification and restructuring of electrical utilities. This has included major projects in Canada, the Gulf States, the United States, China, Central America, Europe, Africa, India, Brazil and Panama.

The experience in HVdc Transmission systems has included Contractor's responsibility for the design and commissioning of the Master Controls and HVdc Line Protection systems of the Nelson River Bipole 1 HV dc Project, and as Owner's Engineer for the supervision of the factory testing and commissioning of the Leyte-Luzon and the Chandrapur Padghe HV dc transmission systems.

Mr. Turner's HV Cable system s experience includes responsibility, again as the Owner's Engineer, for supervision of all aspects of the installation of the cable systems for the Leyte-Luzon 350 kV HV dc project (Philippines), the designs and tender evaluation of the 345 kV AC cable crossing between Newark and New Jersey (USA) and the 400 kV land and cable system between Bahrain and Saudi Arabia. In the early 1980's, Mr. Turner was responsible for the HVdc Cable component for the detailed studies of the Strait of Belle Isle crossing, the HVdc cable crossing of the Cabot Strait and the HV dc crossing between Québec and Iles de la Madeleine.

Mr. Turner has carried out numerous power system studies for integrated generation/transmission/distribution systems and for production facilities such as smelter plants, and has been Project Manager for a number of HV ac and HVdc transmission projects in Canada, the Philippines, Panama and India.

He has authored papers on HVdc systems, submarine cable crossings, energy management, renewable energy resources and the electrification of railway systems, and has been a member of a number of CIGRE, CEA, IEEE and other committees and panels.

Mr. Turner holds a B.Tech. (Honours), Electrical Engineering, University of Technology, Loughborough, England 1967, Technical Teacher Certificate, England 1973 and a Masters in Engineering., Power Systems, McGill University, Montreal, Québec, Canada 1978.

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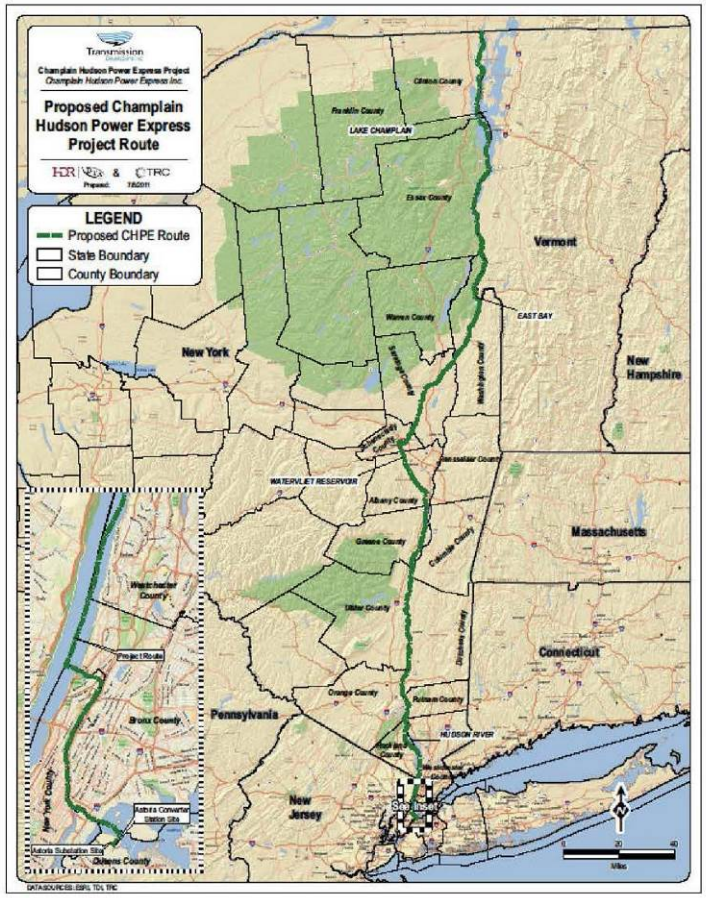
APPENDIX B



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APPENDIX C

PROJECT SCHEDULE

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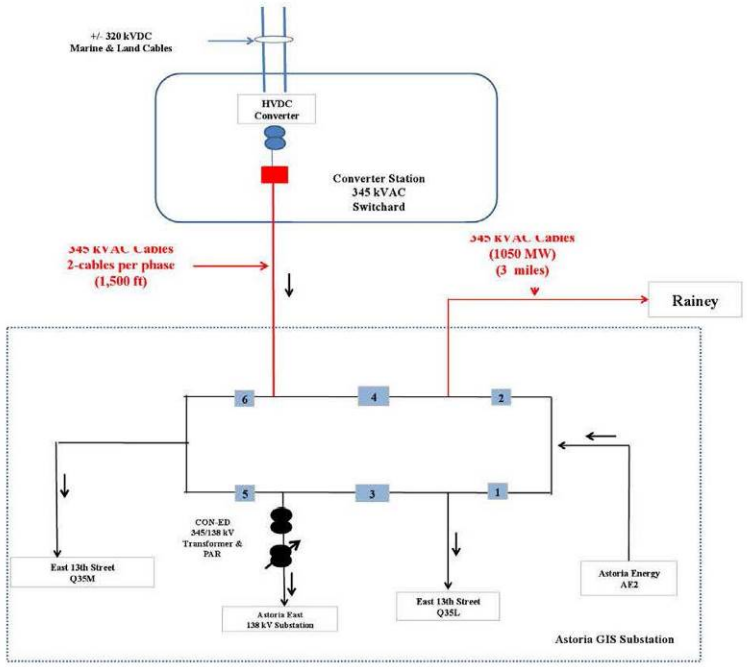
APPENDIX D

INTERCONNECTION DIAGRAM



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Hydro-Québec
Response to
The New York Energy Highway
Request for Information
May 30, 2012

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Respondent Information

Respondent's Name: Hydro-Québec Production
75 Rene Levesque Blvd, 18th Floor
Montreal, Québec H2Z 1A4

Primary Contact: Stephen Molodetz
Vice President – Business Development
H. Q. Energy Services Inc. ("HQUS")
A wholly owned subsidiary of Hydro-Québec
225 Asylum Street, 27th Floor
Hartford, CT 06103
(860) 241-4021
Molodetz.Stephen@Hydro.Qc.Ca

Respondent Background

For over 50 years Hydro-Québec, a Crown corporation wholly owned by the province of Québec, has been successfully developing and operating Québec's vast hydropower resources. Hydro-Québec generates, transmits and distributes electricity and is made up of four divisions: Hydro-Québec Production, its power generation division; Hydro-Québec TransÉnergie, its transmission division; Hydro-Québec Distribution; and, Hydro-Québec Equipment and Services, its construction division. At the end of 2011, the company operated a fleet of nearly 37,000 Megawatts ("MW") of installed capacity with hydropower accounting for 98% of its output. Since 2005, approximately 2,500 MW of new hydropower capacity has been commissioned. An additional 1,550 MW is currently under construction, and will be put in service progressively starting in 2015 [1].

In developing these resources, Hydro-Québec applies the principles of sustainable development from the planning phase all the way through to construction and operation. Hydro-Québec does not undertake a project unless it is profitable under market conditions, environmentally acceptable and favorably received by local communities. As a result, Hydro-Québec is able to provide a renewable, low-carbon, reliable and affordable supply of electricity for both its domestic and export markets.

As Canada's environmental regulations are among the most stringent in the world, all of Hydro-Québec's hydropower projects undergo rigorous and extensive environmental and ecological impact assessment[2]. For example, the environmental impact assessment for the Romaine hydropower project evaluated all the potential environmental and social effects of the project. Based on the results, mitigation and compensation measures have been designed to reduce the environmental impacts and enable land users to continue their traditional activities. The extent of the studies, mitigation measures and environmental monitoring is estimated at nearly $320 million for this project alone.

[1] This represents new capacity from the Romaine project.
[2] http://www.hydroforthefuture.com/approche/6/the-hydropower-development-process

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In addition to our environmental stewardship, Hydro-Québec works in close concert with all of the host communities for its projects, Aboriginal and non-Aboriginal. Québec recognizes 11 Aboriginal nations in 55 communities throughout the province and endeavors to develop mutually beneficial partnerships with all of these communities. Host communities are consulted at the very start of a project, and when possible, participate in all phases of a project – from conducting environmental impact studies, through construction, to the on-going environmental monitoring that follows every project. Since 1975, Hydro-Québec has signed more than 30 agreements with Aboriginal communities to promote their long-term development well after its hydropower projects are completed. Furthermore, every effort is undertaken to ensure that the host communities benefit from the economic spin-offs of a project, usually through comprehensive agreements in the case of Aboriginal communities.

H. Q. Energy Services Inc. ("HQUS") is the U.S. energy marketing and business development subsidiary of Hydro-Québec and has been an active participant in the New York electricity market since the inception of the New York Independent System Operator ("NYISO") in 1999. Prior to establishing HQUS, Hydro-Québec and its predecessor companies sold power to New York State for decades following the construction of the Cedars-Dennison intertie in the late 1910s, and more recently following the construction of the Chateauguay-Massena intertie in the early 1980's. Since this time, Hydro-Québec has provided New York with large quantities of energy and displaced a considerable quantity of greenhouse gas ("GHG") emissions[3]. Today, Hydro-Québec is committed to annually providing 900 MW of capacity into New York State through 2030.

Submission Description

Hydro-Québec is pleased to make this submittal to the Request for Information for the New York Energy Highway Initiative. This submission is comprised of two distinct projects that offer the potential for significant improvements to the reliability, efficiency and environmental performance of the New York State power system.

Project 1 consists of Hydro-Québec's participation in the proposed new Champlain Hudson Power Express ("CHPE") HVDC transmission line[4], combined with a renewable, low-carbon supply of electricity into the downstate area.

Project 2 outlines Hydro-Québec's commitment to work closely with the state to evaluate opportunities that enable increased power flows from Québec into and throughout the State of New York.

[3] Hydro-Québec estimates that in 2011 alone, up to 12 million tonnes of CO2 emissions were avoided as a result of the export of energy from the Hydro-Québec system into neighboring systems.
[4] Project 1 should be considered in combination with the submission from TDI-USA Holdings, which is developing the transmission infrastructure for the US portion of the CHPE project.

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Hydro-Québec requests that the two projects be evaluated individually since they are not mutually exclusive and could therefore both be pursued, although they would likely advance and be implemented on significantly different time horizons.

Project 1: Hydro-Québec participation in the Champlain Hudson Power Express

Project Description

The CHPE is a 1,000 MW high-voltage merchant transmission line being proposed to interconnect the province of Québec with the State of New York in the New York City area. The CHPE project would provide a wide range of benefits to the state because it consists of both an HVDC transmission line, and a renewable, low-carbon supply of electricity. Hydro-Québec proposes to become the "anchor tenant" for the project by committing to up to a 40-year purchase of 75% of the transmission rights, effectively paying for the construction of the line[5].

Project Justification

The CHPE project would simultaneously address several of the primary objectives of the New York Energy Highway Initiative including to promote long-term power system reliability, environmental sustainability, power supply diversity in the downstate area and ratepayer value in the operation of the grid. Additional information about how the project meets each of the objectives contained in the Request for Information is provided below.

1. **Reduce constraints on the flow of electricity to, and within, the downstate area; and expand the diversity of power generation sources supplying downstate.**

   CHPE would provide the State of New York with access to another fuel and delivery source for electricity. In particular its potential to deliver significant quantities of hydropower and alter the resource mix in the downstate area is unique for a single project. Today the downstate area relies primarily on natural gas generation, with a limited ability to switch to oil under certain conditions. The recent New York State Transmission Assessment and Reliability Study ("STARS") report indicates the expectation that the downstate area will continue to rely heavily on natural gas for power generation through 2030. In addition, the City of New York is promoting the replacement of its inefficient oil generators. Inevitably, the addition of new gas capacity to meet growing demand, or replace retiring capacity, will advance the need for additional investment in upgrades to the natural gas transmission system and could create electric system reliability issues during peak periods. The addition of a significant energy and capacity source that is independent from natural gas supply needs and pipeline delivery systems to the area will significantly improve fuel diversity and reliability and mitigate the need for new gas system infrastructure. Additionally, the CHPE

[5] Hydro-Québec will also invest in new transmission necessary in Québec to support the full 1,000 MW capacity of the new interconnection.

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provides significant quantities of renewable electricity to the state without exacerbating the constraints that currently exist for the delivery of upstate resources.

2. **Assure the long-term reliability of the electric system is maintained in the face of major system uncertainties.**

While capacity levels in New York are reported by the NYISO and others to be adequate today, the state's traditional capacity resources face an uncertain future in the coming years due to the combination of pending federal environmental regulations, market conditions and public concern for continued operation of certain facilities. The CHPE would provide a highly reliable source of capacity to make up for a loss of capacity that could result from these uncertainties. To the extent that capacity losses occur in supply constrained areas, the CHPE would be particularly valuable since the area is limited in its ability to transfer power from other areas of the state, and generally, to develop large infrastructure projects.

Over the long-term, CHPE would provide the New York power system with an additional interconnection to Hydro-Québec's vast resource base of close to 37,000 MW that could be accessed under a variety of system operating conditions. All interties between Québec and New York are fully controllable, either with HVDC technology or with generation radially connected to the New York system. As a result, the Hydro-Québec system operates independent of system operating conditions in New York. In turn, disturbances in either area do not affect one another and system reliability is enhanced in both. For example, Hydro-Québec assisted New York during the 2003 blackout and continues to be available to provide support during abnormal and emergency power system events. CHPE would enhance Hydro-Québec's ability to provide this type of support into the future.

3. **Encourage development of utility-scale renewable generation resources throughout the State.**

Hydro-Québec's hydropower facilities are extremely valuable as dispatchable sources of energy. In other words, Hydro-Québec's hydropower resources can be ramped up or down to balance the output of intermittent resources such as wind and solar facilities. The CHPE project would support the integration of greater quantities of utility-scale renewable generation in New York because of the dispatchability and size of the resource base in Québec. Hydro-Québec's ability to provide this type of balancing service for intermittent renewable resources would be further enhanced by adding the CHPE project as an additional interconnection point into the New York control area. In addition, the HVDC transmission technology being used to construct CHPE is highly controllable, further enhancing its ability to provide balancing support for intermittent resources. Although it has been employed between Québec and its neighboring markets for decades, HVDC transmission technology has become increasingly

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attractive to deregulated energy markets in recent years due to its operating characteristics in comparison with AC transmission. In contrast to AC transmission lines where the power flows freely, an HVDC line's flow is completely controllable allowing the system operator to precisely adjust the flow at the delivery point to the amount needed. An approach that combines utility-scale renewables balanced with Québec hydropower presents a unique opportunity for the state to contribute to its renewable and carbon reduction goals.

4. **Increase efficiency of power generation, particularly in densely populated urban areas.**

   CHPE has the potential to improve the efficiency of existing power generators serving the New York City area indirectly. Because New York relies on competition among suppliers to serve the electric needs of consumers and CHPE would be an additional supplier, existing power generators will be motivated to improve the efficiency and performance of their resources to continue to compete in the market. In fact, it is these market dynamics that have made New York's wholesale electric markets successful and beneficial for consumers by promoting investment in existing and new resources.

5. **Create jobs and opportunities for New Yorkers.**

   Large incremental supplies of competitively priced energy and capacity will result in significant downward pressure on wholesale market prices in congested areas, enabling access to reliable and affordable energy; a critical driver for economic development. While the construction and operation of the CHPE project will create direct jobs and opportunities for New Yorkers, equally important are the indirect jobs that will be created through the access to competitively priced, renewable and low-carbon energy that the project will bring to New York State and the downstate region.

6. **Contribute to an environmentally sustainable future for New York State.**

   CHPE would have the capability to deliver up to 1,000 MW of additional renewable, low-carbon power into New York. Using a life-cycle analysis approach, Québec hydropower emissions are similar to those from wind power, a quarter of those from photovoltaic solar facilities, and 40 times less than those from a natural gas plant. Therefore, when coupled with supply from Hydro-Québec, CHPE would assist the state in making significant progress towards reducing carbon emissions as well as reduce other effluents such as SO2, NOx, heavy metals, and particulate matter. This will be particularly beneficial for air quality in New York City during peak summer and winter periods when the existence of the project could displace the use of higher-emitting resources on the power system. Additionally, as state and federal energy policies evolve and policymakers and stakeholders consider broader approaches to the use of

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renewable technologies, CHPE would assist New York in meeting, and potentially increasing, its commitments to renewable energy supplies.

7. **Apply advanced technologies that benefit system performance and operations.**

   Please see the submission from TDI-USA Holdings.

8. **Maximize New York State electric ratepayer value in the operation of the electric grid.**

   CHPE would enhance value to New York ratepayers in several ways. First, significant new quantities of competitively priced energy and capacity will be delivered directly to the higher-priced areas of the state. This will lower wholesale prices and save money for New York consumers[6]. Moreover, the project allows wholesale prices to remain low in the upstate region because it will not cause prices throughout the state to converge[7]. In fact, a recent analysis conducted by the staff of the New York Public Service Commission estimates hundreds of millions of dollars in wholesale market savings that will flow to ratepayers[8].

   Secondly, the addition of the CHPE line will increase competition in the downstate area by increasing the number of suppliers able to serve New York City electric demand. This is important since the downstate area currently relies on a limited number of suppliers. As a result these suppliers will be motivated to enhance the efficiency and performance of existing facilities that operate in the area. Additionally, competition from a lower-cost, highly available resource such as hydropower will minimize price spikes that add to the cost of electricity.

   Finally, the project requires significant transmission infrastructure investment in New York, and to a lesser extent Québec, that would be funded by Hydro-Québec's long-term transmission reservation on the line and therefore would not affect transmission rates in New York. Current investment projections estimate that the U.S. portion of the project will cost approximately $2.2 billion. With this project, New York ratepayers stand to benefit from a significant energy infrastructure addition at no cost.

9. **Adhere to market rules and procedures and make recommendations for improvements as appropriate.**

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[6] Lower wholesale prices will result in lower retail rates based on the retail ratemaking structure in the state.
[7] Price convergence is common in wholesale markets as a result of transmission investment that increases the deliverability of low priced resources to higher priced areas.
[8] NY PSC comments in support of TDI-USA Holding's CHPE project filed in article VII Case 10-T-0139 on March 16 and March 30, 2012. In the March 16, 2012 filing, page 25: "Staff estimated the long-term production cost savings of the Facility as the cost of the Facility plus the cost of the hydropower (dams), less the cost of the combined cycle plant and the present value of the plant's fuel and other operating and maintenance costs. Over a 35-year period, the savings (net present value) ranged from approximately $1.2 billion to $3.2 billion in 2015".

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Hydro-Québec has a long history of involvement in New York's wholesale electricity markets as a committed participant in the stakeholder process for market design and long-term power system planning. In this regard, Hydro-Québec experts actively engage in the various process steps with the staff of the NYISO, representatives of the various state agencies and stakeholders to appropriately design transmission facilities as well as market rules and transact in the market for the delivery of energy and capacity. Hydro-Québec suggests that clarity of the capacity market mitigation rules for merchant entry in the New York City area is very important for projects such as CHPE to be successful and to maximize the value of the facility for New York. This includes how the state may value the entry of supply that will contribute to New York State's public policy objectives.

Financial

Prospects for an Energy Partnership

CHPE will assist New York in resolving traditional power system challenges such as maintaining reliability, security and adequacy, as well as address many of the newer challenges in the marketplace such as the need to increase the use of renewable power sources, lower carbon emissions and ensure appropriate levels of fuel diversity to achieve balanced market outcomes for New York consumers.

Hydro-Québec expects the CHPE project to be economic despite significant market uncertainties that currently exist. However, Hydro-Québec also recognizes that the characteristics of the energy to be delivered have significant value for New York and are likely to have increasing value into the future.

Hydro-Québec proposes to work creatively with New York State to explore options for ensuring that as the value of the energy becomes increasingly important to New York in meeting its evolving policy goals for clean, affordable and renewable energy that there will be opportunities to consider how the various energy benefits enabled by CHPE may be utilized by the state. In addition, to the extent that the state desires to take a continued leadership role in the development of renewables and reduction of carbon emissions, CHPE offers such an opportunity. In this regard, Hydro-Québec proposes that the state of New York consider a stakeholder process that would consider innovative ways in which policy and regulation might prioritize and promote incremental hydropower deliveries.

General Financial Structure

The CHPE project uses a Federal Energy Regulatory Commission ("FERC") approved[9] merchant transmission funding structure, which allows the developer to subscribe up to 75% of the transmission rights to an anchor tenant, and subscribe the remaining transmission rights through an open season solicitation. Transmission development costs

[9] 132 FERC ¶ 61,006 (2010)

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in New York will be funded by Hydro-Québec's long-term transmission reservation on the line and therefore would not affect transmission rates in New York.

Permit/Approval Process
Please see the submission from TDI-USA Holdings.

Other Considerations

CHPE is consistent with Governor Cuomo's vision that New York's power system be comprised of a broad range of projects because it uses technology that can operate efficiently and reliably within an integrated system of diverse supply and demand resources. Commercialization of CHPE is also consistent with the state's goal of maintaining the benefits of wholesale markets that are open to all resources and provide incentives for performance and new investment.

CHPE would provide significant quantities of renewable electricity to New York without exacerbating the constraints that currently exist for the delivery of upstate renewable resources. Similarly, CHPE will add a new source of energy and capacity to the downstate area without adding to the infrastructure needs of the gas transmission system that may increase overtime with continued reliance on natural gas for reliable system operations.

Additional Information

For all additional information related to the development of the CHPE please see the submission from TDI-USA Holdings. For any other information, please contact Hydro-Québec.

Project 2: Increasing Hydro-Québec Power Flows into New York

Project Description

In addition to Hydro-Québec's proposed participation as the anchor tenant for the CHPE project, Hydro-Québec proposes to work in conjunction with the New York State transmission owners to optimize and expand the existing upstate New York – Québec transmission interconnections and relieve key New York congestion points.

In addition to transmission upgrades in Québec, substantially increasing power flows from Hydro-Québec would likely also require transmission upgrades in New York to remove existing deliverability constraints. Increasing the transfer capability over existing interfaces would increase deliverability of upstate generation into downstate areas, including new in-state renewable generation. As identified in the STARS report, the benefits from this type of new transmission investment can be maximized with increased imports from Hydro-Québec [10].

[10] http://www.nyiso.com/public/webdocs/services/planning/stars/Phase_2_Final_Report_4_30_2012.pdf

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Hydro-Québec proposes a coordinated transmission development approach to increase transfer capability between Québec and New York, while resolving internal constraints within the New York control area. We envision Project 2 encompassing a joint study to first identify the most economic and beneficial upgrades, changes to operating practices, etc; followed by a joint development agreement to ensure optimal coordination and implementation of the resulting recommendations.

As with Hydro-Québec's participation in the CHPE project (Project 1), this project would increase New York State's interconnection capability with the Québec control area and Hydro-Québec's vast portfolio of hydro resources, providing the state with increased access to competitively priced, renewable and low-carbon energy.

Project Justification

1. **Reduce constraints on the flow of electricity to, and within, the downstate area; and expand the diversity of power generation sources supplying downstate.**

   A coordinated initiative to increase imports to New York and relieve constraints within the New York system would directly address both congestion and fuel diversity concerns in the downstate area. Enabling power flows across the New York grid will allow diverse resources such as in-state wind and hydro to access natural gas reliant regions in constrained areas, increasing reliability and reducing wholesale energy costs throughout New York.

2. **Assure the long-term reliability of the electric system is maintained in the face of major system uncertainties.**

   Accessing incremental energy and capacity sources is critical in assuring the future reliability and efficiency of the grid. In addition, reducing constraints throughout the system will increase reliability by enabling power to flow freely and efficiently from generators to consumers. Constrained interfaces impede these flows, requiring the dispatch of less economic resources in order to maintain reliability requirements. Power supplies from Hydro-Québec can be available very quickly in the event of an emergency or contingency that may occur, helping further bolster reliability on the New York energy system. All interties between Québec and New York are fully controllable, either with HVDC technology or with generation radially connected to the New York system. As a result, the Hydro-Québec system operates independent of system operating conditions in New York. In turn, disturbances in either area do not affect one another and system reliability is enhanced in both. For example, Hydro-Québec assisted New York during the 2003 blackout and continues to be available to provide support during abnormal and emergency power system events. An increased ability to flow energy into New York would enhance Hydro-Québec's ability to provide this type of support into the future.

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3. **Encourage development of utility-scale renewable generation resources throughout the State.**

   Hydro-Québec's hydropower facilities are extremely valuable as dispatchable sources of energy. Therefore, Hydro-Québec's hydropower resources can be ramped up or down to balance the output of intermittent resources such as wind and solar facilities. Increased power flows from Hydro-Québec would support the integration of greater quantities of utility-scale renewable generation in New York because of the dispatchability and size of the resource base in Québec. An approach that combines utility-scale renewables balanced with Québec hydropower presents a unique opportunity for the state to contribute to its renewable and carbon reduction goals.

   In addition, optimizing the transmission system and eliminating bottlenecks will enable in-state utility-scale renewable generation projects in remote and oversupplied areas to access higher-priced load centers, which will both aid in the continued development of these projects, as well as increase reliability and lower costs and price volatility.

4. **Increase efficiency of power generation, particularly in densely populated urban areas.**

   Reducing bottlenecks within the state will eliminate the need to dispatch less economic resources in order to meet reliability standards in constrained areas. This will result in a more efficient and economic energy grid, allowing companies to make more informed and predictable investment decisions, allowing newer and more efficient generation and generation technologies to be integrated into the grid.

5. **Create jobs and opportunities for New Yorkers.**

   Large incremental supplies of competitively priced energy and capacity will result in significant downward pressure on wholesale market prices in congested areas, enabling access to predictable and affordable energy; a critical driver for economic development. Equally important are the indirect jobs that will be created through the increased access to competitively priced renewable, low-carbon energy that is made available to New York State.

6. **Contribute to an environmentally sustainable future for New York State.**

   Increased import/export capacity with Québec will allow incremental renewable, low-carbon power to flow into New York, which can be dispatched to aid in the integration of new intermittent renewable resources.

   Using a life-cycle analysis approach, Québec hydropower emissions are similar to those from wind power, a quarter of those from photovoltaic solar facilities, and

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40 times less than those from a natural gas plant. Therefore, increased deliveries would assist the state in making significant progress towards reducing carbon emissions as well as other effluents such as SO2, NOx, heavy metals, and particulate matter

7. **Apply advanced technologies that benefit system performance and operations.**

   If identified as a preferred opportunity, new transmission development will utilize the most up to date technology, which will increase efficiency and assure compatibility with the latest innovations in generation, transmission and smart grid technologies.

8. **Maximize New York State electric ratepayer value in the operation of the electric grid.**

   Optimizing the power flow capability between Québec and New York will ensure the most effective and efficient use of the energy system, resulting in increased reliability and predictable and competitive wholesale energy costs for New York ratepayers. As recognized in the STARS report, increasing energy flows from Québec would increase the economic benefits of upgrades developed within New York.

9. **Adhere to market rules and procedures and make recommendations for improvements as appropriate.**

   As outlined in the recent STARS [11] report, due to current NYISO operating practices regarding the treatment of a single external source, the import limit from Hydro-Québec's Chateauguay station into New York is nearly 1,000 MW below the facility's approved limit. A review of the relevant NYISO operating practices could lead to low-cost economic solutions for increasing power flows from Hydro-Québec.

Financial

Prospects for an Energy Partnership

Hydro-Québec proposes an iterative partnership with New York and applicable transmission owners, and in conjunction with NYISO's long-term planning process, to assess the various operating practices and transmission infrastructure options that would enhance deliverability into and throughout the state. This would include

[11] The export limit from Hydro-Québec's Chateauguay station to New York is approved at 2,370 MW with all equipment in service, which includes four 765/120 kV transformers. The New York Control Area ("NYCA") import limit from the Québec Chateauguay-Massena single 765 kV interconnection is, however, limited to 1,380 MW per current NYISO operating criteria, which prevents a single external NYCA source from exceeding the largest internal contingency, in this case Nine Mile Point Station #2 at a projected capacity of 1,380 MW. If there is a desire, from a public policy perspective, to increase the import capability of hydro generation from Québec, additional analysis would be needed to determine how to best address the loss of single source contingency.

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collaboration on the scope, design and assumptions for the necessary studies as well as transmission funding mechanisms and agreements for treatment of new capacity.

In order to facilitate increased power flow capabilities between New York and Québec, partnership opportunities would need to be evaluated to ensure equitable long-term value for both Hydro-Québec and New York. One way to achieve this is to build on the current partnership with the State of New York, which commits long-term capacity sales from Hydro-Québec into the state. However, Hydro-Québec is open to all ideas and concepts.

General Financial Structure

Hydro-Québec is open to traditional and innovative funding structures, including structures in which the cost of the initial study is shared equally between Hydro-Québec and the New York transmission owners. Actual upgrade costs could be borne by Hydro-Québec for the upgrades needed in Québec and the appropriate transmission owners for the upgrades required in New York.

Permit/Approval Process

N/A at this time

Other Considerations

N/A at this time

Additional Information

Please contact Hydro-Québec for questions regarding additional information.

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